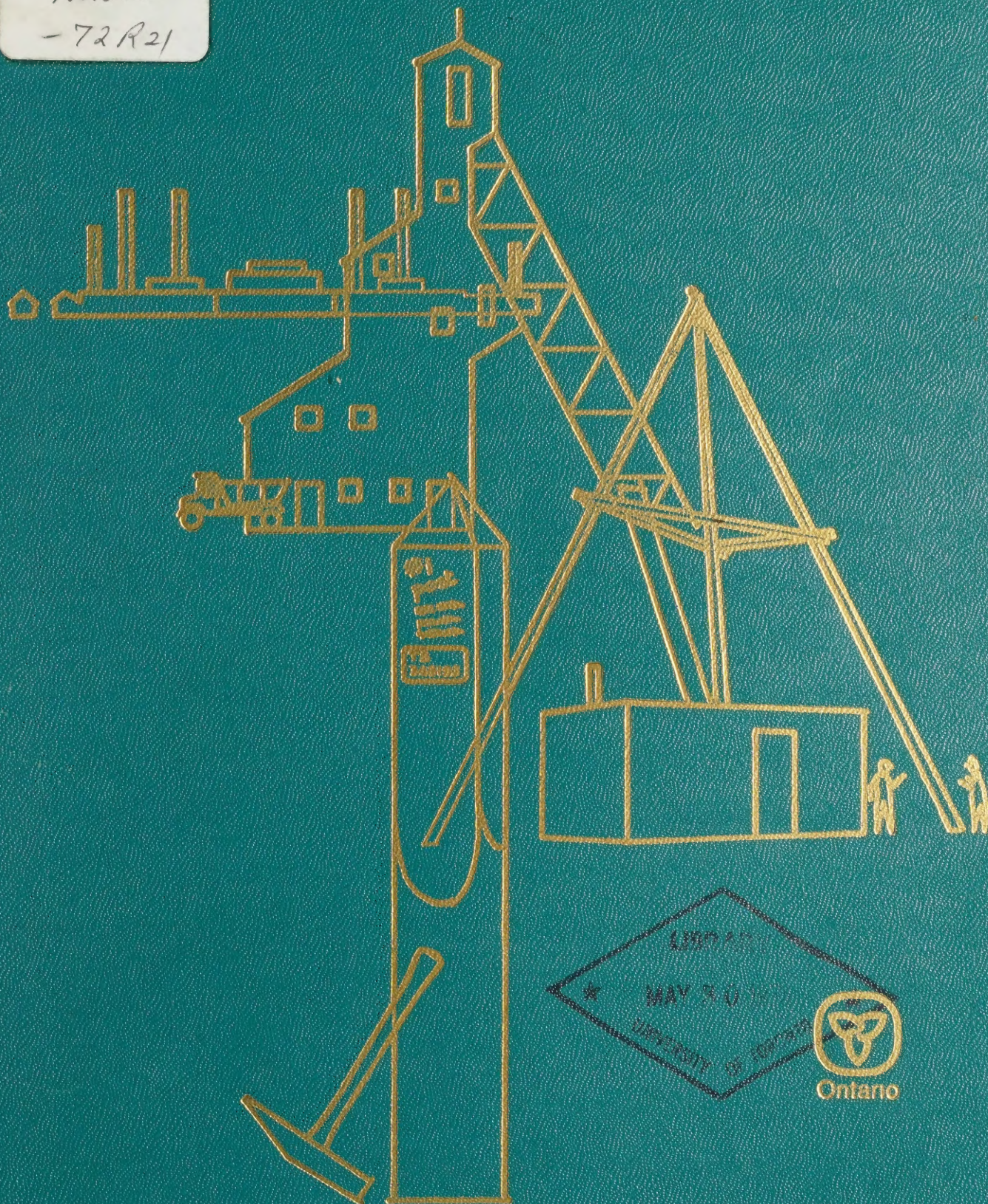


REPORT OF THE ADVISORY COMMITTEE TO THE MINISTER OF NATURAL RESOURCES ON THE REVISION OF THE MINING ACT

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REPORT OF THE ADVISORY COMMITTEE TO THE MINISTER OF NATURAL RESOURCES ON THE REVISION OF THE MINING ACT



Ministry of
Natural
Resources


Hon. Leo Bernier
Minister

W. Q. Macnee
Deputy Minister



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CHAPTER 1

INTRODUCTION AND GENERAL MATTERS

Upon the recommendation of the Minister of Natural Resources, an Order in Council was approved by the Lieutenant Governor on the 21st day of June, 1972, appointing the Advisory Committee to the Minister of Natural Resources on the revision of The Mining Act.

The terms of reference for the Committee are:

"... the Committee shall inquire into, investigate and make recommendations respecting The Mining Act, except Part IX, having regard to the interest of the public and the needs of the mining industry in the mineral resources of Ontario, and without limiting the generality of the foregoing, having regard to technological advances in the industry with respect to exploration, legislative and administrative changes in other jurisdictions respecting the disposition of minerals and mineral rights, and effects on the economy of the Province of Ontario, and in so doing the committee or such members and ex officio members of the committee as the Minister of Natural Resources may determine may hold public meetings at the City of Toronto and such other places both within and without the Province of Ontario as the Minister of Natural Resources may approve and hear briefs and other representations from the public, industry and government and shall report on or before the 31st day of August, 1973."

By Order in Council dated the 29th day of August, 1973, the reporting date of the Committee was extended.

Thirteen members were nominated to the Committee, as follows:

Mr. John R. Rhodes M.P.P., Chairman

Mr. James R. McGinn, Vice Chairman

Dr. Melville W. Bartley

Mr. Gerald L. Colborne

Dr. Lionel C. Kilburn

Mr. Karl E. McIntosh

Mr. Frank J. Wank

Mr. James C. Smith

Mr. Robert Campbell

Mr. Barney Jensen

Mr. John P. Larche

Mr. Alexander Mosher

Mr. James F. McFarland

Mr. George T. Stevens was appointed Secretary to the Committee and Mr. Grant H. Ferguson, Q.C. was appointed Legal Advisor. Mr. James F. McFarland resigned from the Committee on September 7th, 1973.

Under the powers granted to it with respect to the convening of sessions, the receiving of briefs and presentations and the examining of witnesses and within the broad framework of its terms of reference as defined above, the Committee immediately commenced its work. It was announced in the Legislature on Monday, June 26th, 1972 and the first meeting was held in Toronto, June 27th, 1972.

In a public announcement of the establishment of the Committee, corporate bodies, associations and private persons were invited to present submissions pertaining to The Mining Act of Ontario, except Part IX.

During the most part of October, three members of the Committee toured the mining areas of New Caledonia and Australia, to look into and report on the latest information on prospecting, mining and the various laws of these lands that are now striving for a portion of the world's market in the highly competitive industry of mineral production.

Sixteen public hearings were held commencing on the 14th of November, 1972. The Committee received numerous submissions, documents and statements and participated in many discussions. Appendix "A" lists the dates and locations of the sittings, Appendix "B" lists the submissions.

In November the Committee visited the Department of Mines, Resources and Environmental Management of Manitoba in Winnipeg, in February the Department of Natural Resources of Quebec in Quebec City, and in April the Department of Mines and Petroleum Resources of British Columbia in Vancouver, and the British Columbia & Yukon Chamber of Mines in Vancouver. The Committee gained useful information from these meetings to make recommendations for proposed changes in The Mining Act of Ontario.

This Committee gratefully acknowledges the kind reception accorded its members at all places visited in Ontario, and in visits to Winnipeg, Quebec City, Vancouver and points overseas.

The Committee is indebted for the many thought-provoking briefs submitted and for assistance and advice so freely given. Special thanks are extended to the Minister of Natural Resources, the Honourable Leo Bernier and to Mr. Walter Q. Macnee, Deputy, for the excellent co-operation and assistance received from various Ministry officials of the Toronto and District Offices.

One of the interesting and significant facts that came to light in the course of the public hearings was the continued interest of the individual to participate in the search for mines. The Committee received a number of representations on behalf of the individual, part time or weekend prospector who wishes to retain the right to prospect on Crown lands. The Committee recognizes this interest and notwithstanding the financial and technological hurdles that the small and the part time prospector is faced with, recommends that The Mining Act continue to provide a method whereby such persons can play a part in the mining industry. In this regard considerable interest was shown in the ministry's mineral exploration assistance program and the Committee is satisfied that a program directed to the stimulation of interest in areas where marketable resources could expect to be found is warranted.

On the other hand, the Committee realizes that in looking to the future, it can be expected that, with high costs of discovery, exploration, development, environmental management and mining and processing plant, major resource discoveries will only be made through the use of expensive technological procedures and equipment. These latter considerations weigh in favour of the large, established corporations, particularly those with experience in dealing with international markets and although the committee appreciates the wide divergence between these two types of operations, it recognizes that there is and will continue to be room for all manner of intermediate operations and recommends that the role of the individual prospector be preserved.

Related to the issue of the cost of the exploration and development of mineral resources, which has contributed in part to the decline in prospecting at the initial stages, the Committee received a number of briefs on a subject matter that did not fall within the terms of reference of the Committee. Individuals and small corporate groups pressed for the adjustment and modification of the mechanisms of the Ontario Securities Commission which are alleged to create inability of small entrepreneurs to raise funds for the conducting of exploration and development work.

Notwithstanding the amendments to the Commission's regulations announced during the course of the hearings, representations continued to be made. The Committee recommends that an appropriate study be made of this matter to determine whether there can be any adjustment and modification of the regulations administered for the protection of the investing public and whether the needs of the small operator and junior company for funds through public subscription for exploration and development can be met, in part at least, by such changes.

In similar vein, the Committee observed a growing concern of the small operators and junior companies for their survival in the face of increased costs resulting from the demands for environmental protection. The Committee is convinced that this segment of the industry has served, is serving and will continue to serve an important and necessary role in the development and production of the mineral resources. In the fields of exploration and early development, the small operator can be equally or more effective than the large corporation. The Committee urges the Government to provide flexibility in its legislation on environmental protection in order that this important segment of the industry will not be forced out of existence. Further, that controls in this area be adequately flexible to permit the continuance of the programs of these small operators within their financial competence.

The Committee is not unmindful of the need for environmental controls but cautions against the imposition of controls on small operations that have little effect on the environment that would make such operations financially impossible for such operators or render the operations financially uneconomic. In lieu of establishing universal controls capable of implementation only by large corporations, the Committee recommends flexibility in the laws in order that the contribution of all segments of the industry will not be unreasonably inhibited and that the small operators will not disappear by reason of unrealistic standards having regard to the size and relative effect of their operations.

The Committee had discussions with Manitoba and Quebec officials of the Crown corporations, i.e. Manitoba Mineral Resources Limited and SOQUEM, respectively, that carry on exploration and development programs. Also the Committee reviewed Ontario's program of economic assistance under which the only return to the public revenues is the return of amounts advanced where production results from an economic discovery. The Committee endorses the principle of the mineral exploration assistance program but is of the opinion that it is too restrictive. Currently it is discriminatory in that it is limited territorially and the Committee feels the program should apply to all of Ontario.

In addition the Committee recommends that the program can be extended by Government contribution and participation into further stages of development and production with provision for return of a share of the profits to the Government. The Committee prefers joint venture agreements between the Crown or a Crown agency and the individual or corporation to a system of a Crown corporation operating independently and in competition with industry.

The public interest would be protected through government representation on the Board of Management of the operation undertaken under a joint-venture agreement.

GENERAL PRINCIPLES

During the course of its deliberations the Committee recognized a number of principles of general application and throughout their deliberations and this report referred to the general principles for the purpose of resolution of the conflicting issues. The general principles are as follows:

1. All undisposed mineral resources are beneficially owned by the people of Ontario and should be managed with a view toward optimizing the public gains from the development of such resources.

2. There is a continuum of interest of the people of Ontario in the disposed mineral resources based on the principles that, although the original disposition included the mineral resources the interest of industry and the public are best served by the encouragement of the exploration and development of these resources.

3. The provisions of the legislation should be designed to stimulate the discovery and development of the mineral resources as contrasted with the acquisition and holding of title to land.

4. As the successful development of a prospect into a viable producing mine occurs in very few cases in relation to the number of prospects with the result that the average cost of exploration of such a mine is several million dollars (25 million dollars according to Mining in Canada, Facts and Figures, 1973). The exploration and development of mineral resources are high-risk endeavours and so long as the responsibility for discovery, exploration and development of such resources is borne by industry, the returns from successful operations should adequately compensate for the expenditures in connection with the non-successful operations.

5. There should be a continuation of the excellent type of liaison and rapport that has existed between government and industry in the past in Ontario. This has resulted in the best mining legislation in the world.

6. Uniformity of mining legislation on a national basis should be achieved, subject to variations in principles.

In conducting its deliberations the Committee created four sub-committees which dealt in detail with the following areas:

(1) acquisition of mining land,

(2) assessment work,

(3) titles and taxes,

(4) office, duties and powers of the mining commissioner and the mining recorders.

The Committee as a whole reviewed the studies of the sub-committees and this report will deal with these areas in that order.

CHAPTER 2

ACQUISITION OF MINING LAND

1. 40-ACRE CLAIMS

The historical method of acquiring land for mining purposes has been the staking and recording of a 40-acre claim and the performance of the statutory assessment work followed by the issue of title. The Act currently provides for such a procedure with the variation that, in subdivided townships a mining claim will be composed of an aliquot part of a lot.

2. EXPLORATORY LICENCES

An exploratory licence is a grant of the exclusive right to explore for minerals in a pre-negotiated area, subject to terms and conditions that are relevant to the area involved, the mineral or minerals explored for and the nature and the location of the land to be explored. Normally the licence provides for a lease of a portion of the licensed area upon the proving of a mineral deposit (Sections 126 and 656).

3. SPECIAL GRANTS UNDER SECTION 646(2)

Subsection 2 of section 646 of The Mining Act provides that notwithstanding anything in the Act in special circumstances the Minister may with the approval of the Lieutenant Governor in Council issue a licence of occupation, lease or patent of any lands or mining rights upon such terms and conditions as he deems expedient.

On occasion land is acquired under this special provision. It has been used to provide for exploratory licences of occupation in areas where the regulations did not authorize exploratory licences of occupation. It has been used to authorize such matters as disposition of land by auction rather than having the land staked, particularly where there is a known mineral occurrence.

ADDITIONAL METHODS UTILIZED IN OTHER JURISDICTIONS

1. PERIMETER STAKING

This system, sometimes referred to as block staking, is a modification of the 40-acre claim system. Instead of staking out an area in 40-acre claims, the staker merely stakes out the boundaries of a block of land. Usually the area staked out is required to be composed of a number of standard claims.

2. MAP STAKING

Although there are variations of this system, the basic concept of this procedure is that the person acquires land by outlining on a map in the recording office an area that he wishes to prospect, explore and develop.

3. LARGER SIZE CLAIMS

Some jurisdictions have claims larger than 40-acres.

ADVANTAGES OF THE 40-ACRE CLAIM SYSTEM

1. The 40-acre claim is a modular unit that can be expanded into larger units that fit most survey fabrics, including that existing in Ontario.

2. The 40-acre claim is the closest unit that is convertible to the metric system, i.e. 400 metres is equal to 1312.3596 feet. (1320 feet, square is the theoretical size of a mining claim).

3. The 40-acre claim promotes prospecting by providing a quarter mile square grid on the ground to facilitate the location of outcrops, geological features and mineral occurrences.

4. The 40-acre claim is more readily identified than a larger claim.

5. The 40-acre claim is the historical method, the most commonly used form of acquisition across Canada and the most accepted by the majority of the mining industry.

6. The 40-acre system provides an easy unit of acquisition in staking rushes by reason of limited size.

DISADVANTAGES OF THE 40-ACRE CLAIM

1. There is a high cost of acquisition involved in the establishing of the boundaries at the time of staking and the subsequent land survey prior to issue of title.
2. The area of ground is too small for a viable project either from the point of view of exploration or actual mining. It is the usual practice to stake a number of claims and it is very rare that a complete exploration program is carried out on one 40-acre claim.
3. The small claim may create a greater possibility for disputes by reason of the large number of small units, particularly at the time of staking rushes.

ADVANTAGES OF PERIMETER STAKING

1. A change to perimeter staking would legalize existing practice. Across the province the Committee received representations or requests to legalize the practices that have developed.
2. A larger area of land in comparison with the 40-acre claim, can be acquired at a relatively lesser cost both in staking and survey.
3. With perimeter staking, the area staked is capable of reduction in size where this is required. Such situations arise where exploration work shows that parts of the area do not warrant further exploration and such parts can be dropped from the exploration program.
4. Under this method, large areas more adaptable for exploration programs can be acquired more quickly. Larger areas allow for more efficient expenditure of exploration funds.
5. Such a system would conform with the existing perimeter land survey regulations.

DISADVANTAGES OF PERIMETER STAKING

1. There is a greater possibility of crossing boundary lines without identification of such lines resulting in over-staking. Under present theories, where a staker encounters a line of another claim he does not proceed past such line. However, with larger blocks being involved, there is a possibility of failure to identify such lines. The staking fabric is more difficult to detect on the ground due to the existence of fewer lines.
2. Closure errors can be more acute. In other words, in dealing with a larger block the possibility of error on the part of the staker in laying out the tract becomes greater.
3. It will become essential, if such a system is legalized, to establish legal principles for the purpose of resolving such disputes between stakers.
4. This system is not advantageous during staking rushes and highly competitive situations. Most jurisdictions give the advantage in the defence of disputes to the person staking the individual claim and there are certain risks in such areas in proceeding by the perimeter method of staking, particularly where the time of recording is relevant.

ADVANTAGES OF MAP STAKING

1. There is a cost saving in acquiring rights to prospect on land. The required procedure is to establish the area in question in the office of the mining recorder with the result that the cost of staking can be applied to the exploration program.
2. It is a more convenient system removing the necessity to attend in the field, run lines, erect posts and affix tags.
3. Map staking eliminates fraudulent and costly disputes and perjured information.
4. Map staking eliminates meaningless running of claim lines in subdivided townships. (Title is granted in accordance with lot lines rather than claim lines.)
5. Map staking eliminates costly claim inspections.
6. Administratively the system is more simple. Costs of recording and checking of a number of claims are eliminated.

DISADVANTAGES OF MAP STAKING

1. This system places the prospector in the field at a disadvantage. A prospector or explorer may be doing a certain amount of prospecting prior to staking with a view to conserving his resources and applying them to the most suitable areas. At the same time some other person may be recording the same area in the recorder's office.
2. The survey fabric is not adequate in existing subdivided townships because the evidence of the original survey fabric has been lost through fires, due to the passing of time and changes in topographical features.
3. This system can put land speculators who are inclined to tie up land rather than do exploration work, in a preferred position, and can result in "concessions" with such individuals tying up large areas that might be more thoroughly explored.

ONE-POST STAKING

The Committee considered one-post staking. This method is a modification of two-post staking. It is a staking system utilizing one identifying post. This system is used in some U.S. States which are mountainous areas and is being considered in British Columbia.

In British Columbia the present system involves the use of two posts. A problem arises from the use of the two posts in that there can be fractions of claims where the two lines are not on the same bearing. If the second claim to be laid out has a different bearing between its two posts, there can be overlaps and unstaked portions. This has become a fairly serious problem in British Columbia and they are considering other methods such as one-post staking which would lessen the problem of fractions. This, of course, would be achieved by laying out the claim in theory at the time of staking and subsequently surveyed with astronomic sidelines. i.e., due north, south or east and west as the case may be.

The advantage of these systems is that they are more adaptable to mountainous terrain.

The existing practice in Ontario of using witness posts does take care of the problem of inaccessible areas.

EXISTING SYSTEMS OF EXPLORATORY LICENCES OF OCCUPATION

These systems have worked well in the past, particularly where costs such as the costs of mobilization in remote areas are a factor. The systems encourage the development of mineral resources in specific and remote areas. While the principle results in discretion by the Government, industry usually has the option of acquiring lands under the staking procedures so that there can be a certain amount of flexibility. The system eliminates the cost of staking.

CONSIDERATIONS

The Committee considered three options in respect of map staking. Firstly, the Committee reviewed a proposal that there be an extension of the exploratory licence of occupation principle to all areas north of the 52nd parallel of latitude. Secondly, the Committee considered map staking in subdivided townships only. Thirdly, the Committee considered the option of map staking on a restricted basis and higher work requirements or staking by conventional methods with normal work requirements. *The Committee is deeply divided on the question of recommending positively in favour of map staking.*

RECOMMENDATIONS

1. *The adoption of map staking as a basic method of land acquisition throughout the province be deferred until such time as the Ontario Co-ordinate System of land surveys has been developed to the stage at which it would be of universal application across the province, and until such time as the recommendation of the Law Reform Commission regarding the establishment of a system of conversion of descriptions to the Ontario Co-ordinate System be implemented.*

2. *The 40-acre claim system, subject to its adjustment in subdivided townships, be retained.*

3. *Perimeter staking of a land area of more than one claim of forty acres and not more than 640 acres, with astronomic boundaries, and a length of not more than four times the width, by the marking of the perimeter only, (no inside lines), with perimeter posts at 1320 ft. intervals be permitted.*

4. *The existing system of exploratory licences of occupation under subsection 1 of section 656 of The Mining Act and discretionary licences under subsection 2 of section 646, of The Mining Act be retained.*

PROSPECTORS' LICENCES

Present requirements

The Mining Act now requires a prospector's licence for the purpose of prospecting for minerals on Crown lands or lands of which the mining rights are in the Crown. This licence is issued to any person 18 years of age or over or a company that is entitled to do business in Ontario. Current annual revenues from licences are approximately fifteen thousand dollars in respect of personal licences and thirty to forty thousand dollars in respect of company licences.

In addition, a licence is required to record a mining claim, and also to retain the ownership of a mining claim. The latter requirements have lead to serious inequalities where investments have been lost by mere failure to renew the licence.

In addition, the system of tagging is related to the prospector's licences. When tags are issued to a prospector the numbers of the tags are endorsed on the licence.

REQUIREMENTS OF A PROSPECTOR'S LICENCE

The Committee has reviewed the needs for the continuation of a licensing system. With respect to licensing, the Committee is satisfied that a useful purpose is served by the licence. The licence provides the authority under which a person or company obtains the right to prospect for Crown minerals. A licensing system provides a means through which information on existing laws, changes in the laws, and ministerial policies can be made available to the licensee.

The holders of a licence feel a certain prestige flows from the licence. In British Columbia particularly, the Committee found a great affinity to the licence which is said to revert to the tin miner's licence in Great Britain of many years ago. Great reliance seems to be placed on this licence although on analysis, the real significance is the right to prospect and that could be created by the statute itself, rather than flow from a licence.

A licensing system can provide a record of the activities of licence holders. The present system provides an integral part of the staking procedures as the licensee must put his licence number on his posts. A licensing system provides some control of prospectors through the cancellation of licences for breaches of the Act, with the resultant loss of participating privileges. Licences are also helpful in identification of prospectors in prospecting on lands held under Crown timber licence and on lands on which the surface rights are in private ownership, and for other purposes.

QUALIFICATIONS OF LICENSEES

The Committee considered whether any additional qualifications for obtaining a licence should be imposed. In its recent legislation British Columbia imposed a requirement of Canadian citizenship. Included in the definition are non-citizens who have resided in British Columbia for periods not exceeding eight years. In order to be consistent with the Committee's recommendation in Chapter VII regarding the conducting of exploration and development, the Committee does not recommend that there be any such qualifications.

The Committee discussed the question of whether there should be oral and written tests and practical field tests as a condition of obtaining a licence in the first instance. The Ministry provides courses for the training of prospectors and courses are held at some community colleges. Other groups of technicians are attempting to up-grade their standards.

The Committee considered the provision of an amendment to the Act providing for a regulation-making power, providing for the testing of applicants for new licences and recommending that the government pursue this subject with the prospectors' associations. However, the Committee concluded that this approach would not necessarily assist and in some cases might deter the making of discoveries and would involve considerable administrative expense by the Government.

Accordingly, the Committee is not prepared to recommend the testing of applicants for prospector's licences. In addition, a system of testing would create delays in obtaining licenses in "rush" staking situations. The basic principle is that any person 18 years of age or over should be entitled to play a part in the discovery of the mineral resource.

FORMS OF PROSPECTOR'S LICENCE

It was recommended to the Committee that the prospector's licence take the form of a plastic card, similar to a credit card. Such a system would conflict with the present system of endorsing tag numbers on the licences at the time of purchase, and the recording of claims on the licences at the time of recording. The existing procedure was designed to control the limitation on the number of claims a licensee might record, but with unlimited staking, the procedure is redundant. In view of the redundancy, and the recommendation of the Committee, that the tags be transferable, the Committee supports the recommendation respecting plastic cards or other durable material.

TERM OF LICENCE

Currently the term of licence is for one year, with one year renewals and a free licence for the balance of his lifetime after a licensee has held a licence for 25 years. The Committee received a number of briefs regarding the term of the licence varying from the existing one year term, to a life-time licence. Some of these briefs alleged that the nominal rate charged by the Ministry for these licences, i.e. \$5.00 a year, was too high, and some briefs suggested that with the longer licence the administrative work involved would be reduced and that the fee could be reduced accordingly.

The Committee feels that the rate of the licence fee is reasonable and not prohibitive and appreciates that the significant issue in this regard is the ultimate computerization of the licensing system. In addition the Committee discussed the expiry dates of licences and concluded that the best date was the anniversary of the date of issue.

RECOMMENDATIONS

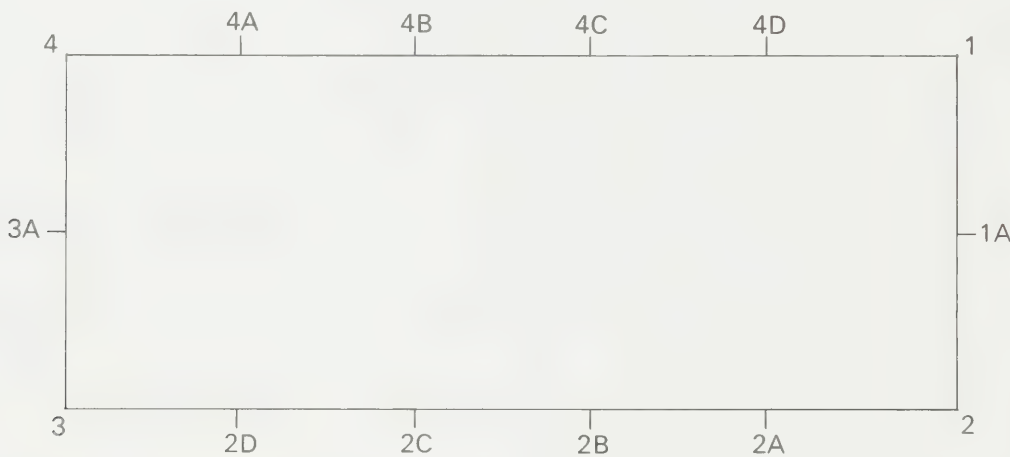
- 5. *The only qualification for a person to obtain a prospectors licence is to be 18 years of age or over, or the existing principles in respect of companies shall apply.*
- 6. *The licence is required to prospect on Crown lands, stake and record claims, but not to hold or transfer claims or record work.*
- 7. *The licence take the form of a plastic card or a card of other durable material.*
- 8. *The term of a licence be one year from the date of issue, or such longer period as may be fixed by regulation, having regard to the possibility of computerization of the licensing system.*

PROCEDURE OF STAKING

The Committee received a number of submissions on the needs for revision of the procedure to be followed in staking a claim or block of claims. The Committee is satisfied that the existing procedures should be amended.

RECOMMENDATIONS

- 9. *There should be new procedures whereby a licensee may stake out or cause to be staked out a block of land by erecting posts at the corners and marking out lines between the posts in any sequence. The Act should spell out the basic approaches or methods and regulations should be made to cover details of procedures of acquisition.*
- 10. *The corner posts should be numbered with the northeast post bearing the numeral 1, and the other corner posts being numbered in a clockwise direction and intervening perimeter posts should be marked with reference to the last corner post.*
An illustration of a rectangular block of the equivalent of ten forty-acre claims so marked out, is as follows:



Scale 4" = 1 Mile (Figure 1)

AGENCY STAKING

The Committee reviewed the submissions on the use of assistants in staking and the practice in some jurisdictions of permitting a licensee to stake a claim on behalf of another named licensee. In recent years a practice, inconsistent with the requirements of the Act, has developed of using assistants in staking procedures which has resulted in disputes and litigation. The Committee recognizes the need to bring the Act into line with present day practice.

RECOMMENDATION

- 11. *In staking a block or a claim or a contiguous group of claims, the licensee in whose name the claim will be recorded must have been on the ground within the confines of the area staked during the time of staking. He can have any assistance required by him and the assistants can erect posts and cut lines as required. The inscriptions on the posts must show the name of the person in whose name the claim will be recorded and the name of the person erecting the post. The licensee in whose name the claim is recorded must certify that the staking is in accordance with the Act and the regulations. The assistants do not require to be licensed.*

TIME OF STAKING

Under the Act the effective time of staking is the time of the erection of the No. 1 post. With the introduction of perimeter staking there could be a conflict between a person who stakes out part of the block at the same time as the entire block is being staked. In some jurisdictions, Manitoba in particular, the principle is adopted that in the event of a dispute, the person that staked the individual claim as contrasted with the block, takes precedence. The Committee is not satisfied that this is the fairest method of dealing with such conflicts and that a fairer method would be to establish a principle that the time of completion is a governing factor in establishing priority between competing stakers. Admittedly, this approach is not without difficulty. It illustrates the problems associated with perimeter staking.

It is quite possible for a person to complete the staking of a small block within a larger block even though the larger block was the first commenced but remains incomplete. The subsequent staking could be done without any knowledge of the larger staking already in progress and in order to give priority to the second staker, whose activities are equally as legitimate as the person making the larger block, the Committee has recommended the above principles.

RECOMMENDATION

12. *The effective time of staking be the time of completion including the establishment of the boundary lines. The date and time of planting of each corner post shall be inscribed on the corner post and the latest date and time inscribed shall be the time of completion.*

METHOD OF MARKING LINES

New methods of marking lines which are not injurious to timber and which are equally effective, such as painting, use of reflective tapes, etc. are being continually developed.

RECOMMENDATION

13. *The Act provide for the making of regulations providing alternative methods of marking lines.*

TAGGING OF CLAIMS

Present situation

The holder of a mining claim is required to affix on the corner posts of the claim, tags identifying each corner post, which tags are acquired from the Ministry at a cost of \$1.00 for each set. Tagging must be done within six months of recording. The tags are not transferable and the number of the tags are endorsed on the licence at the time of acquisition from the Ministry. Currently, there are nine offices of the Ministry at which tags can be purchased. It is expected that in the new administration tags will be available at approximately 55 offices. Most of the other provinces require tagging at the time of staking.

The disadvantages of tagging at the time of staking are as follows:

1. Tags may be lost at the time of staking.
2. The staker may have failed to bring sufficient tags to the site.
3. The prospector may find a desirable site and stake it when engaged in other activities and not have tags available.
4. The staker may find it to his advantage to stake more claims than the number of tags he possesses.

The advantages of tagging at the time of staking are as follows:

1. There is instantaneous identification of claims in the field.
2. There would be uniformity of practice with other provinces.
3. Presently 85 to 90 percent of claims are tagged at the time of staking and such a provision would conform with the present practice of most stakers.
4. The Ministry will provide more outlets for purchasing tags.

RECOMMENDATION

14. *The Act be amended to require the tagging of claims at the time of staking.*

EXPIRY OF TAGS

A number of briefs were received suggesting that tags should not expire and be transferable. The primary reasons behind these recommendations are the cost of the tags and the loss of investment resulting from the expiry of the tags at the end of the year. There were also suggestions that the tags were larger than required. The Committee supports these suggestions for the following reasons.

1. There will be a simplification of procedures both for prospectors and the Ministry.
 2. These principles, i.e., the non-expiry and transferability of tags, will reduce the disadvantages of tagging of claims at the time of staking.
- There were a significant number of recommendations for these changes.

RECOMMENDATION

15. *Tags do not expire, that tags be transferable and the necessity for endorsement on prospector's licences be eliminated.*

TYPE OF TAG

British Columbia has developed a tag that is made of metal and on which permanent letters and numerals can be inscribed with a nail or pointed instrument. This type of tag is peculiar to the requirements in British Columbia as the tag must show the distances to the edge of the claim in either direction. However, a similar tag would be useful in Ontario, and would eliminate the necessity of writing on green or frozen posts which procedure does not on occasion result in a permanent marking. There are difficulties arising from errors in inscribing and damage to tags.

RECOMMENDATION

16. *The Ministry look into the feasibility of tags made of material that can be inscribed and on which the information that is required to be placed on a post may be inscribed on the tag.*

ENDORSEMENT OF RECORDINGS ON LICENCES

With the amendment of the provisions respecting tags and with the creation of a new plastic card type licence, it will no longer be possible to endorse the licence with each recording of a claim.

RECOMMENDATION

17. *Section 61 be amended to repeal the obligation to endorse the licence at the time of recording the claim.*

CERTIFICATES OF RECORD

Under the existing system of staking and recording of claims in the recorder's office any licensee may dispute the title of the recorded holder on the basis that the staking was improperly done. There have been some recent instances of action along these lines having been taken, particularly where the recorded holder had expended substantial sums of money.

The Act presently provides for a system of obtaining a certificate of record and thereafter, except in the event of mistake or fraud, the recording of the claim is not liable to impeachment or forfeiture in respect of proceedings after the date of the certificate. The objective of this type of legislation is to provide for the elimination and discouragement of frivolous and unnecessary disputes.

RECOMMENDATION

18. *After a claim has been recorded for sixty days or more, and upon payment of a fee, field inspection and such other conditions as may be required, the claim shall be deemed to have been staked in accordance with the Act and shall not be subject to dispute except on proof of mistake or fraud on an application to the Commissioner by the Crown or an officer of the Ministry.*

CHAPTER 3

ASSESSMENT WORK

Historically, assessment work has been a statutory requirement to be performed as a condition of obtaining title to a mining claim. The intent of assessment work was to require a minimum amount of prospecting, exploration and development work before title is acquired.

In Ontario the present requirement is 200 days work per claim to obtain title. With advances in technology, amendments to the statute have permitted the use of new techniques and have set forth equivalent man-days of work for each new technique. Where a land survey is performed by an Ontario Land Surveyor, a work credit is allowed for the survey.

Unlike Ontario, other jurisdictions have used a monetary or dollar measure of assessment work. Both approaches have safeguards to ensure that an adequate amount of work is performed.

In briefs and at hearings, the Committee received many objections to the man-day system and many recommendations for conversion to the dollar basis. Objections were presented that allowances are not made for the cost of mobilization and demobilization of exploration and prospecting programs. It was claimed that cost inequities exist in the man-day equivalents assigned to different types of work. It was pointed out that no allowance is made for prospecting as such, particularly where the prospecting has taken place before staking. It was pointed out that the costs of surveys have risen to between \$500 and \$1,000 per claim and that there should be other methods of retaining claims than the expensive cost of obtaining a lease. It was contended that money spent on legal boundary surveys could be spent much more effectively on additional exploration and development work.

In approaching the subject of assessment work, the committee used five guiding principles:

1. The main objective is to obtain evidence of the existence of mineral deposits and of information to assist in the exploration, development and assessment of these deposits, rather than the establishment of arbitrary levels or amounts of work, the attainment of which entitles the claim holder to obtain title to the claim and hold it for extended periods of time without further exploration, development or study.

2. Regulations should encourage the expenditure of available money in exploration and development of mineral deposits rather than the acquisition of title.

3. The filing of work whether for assessment or not, should be encouraged to add to the pool of knowledge of the mineral resources of the province.

4. The individual prospector should be able to hold his claims for a reasonable length of time, using work techniques commonly carried out by prospectors. This reasonable length of time should be that generally needed to interest better financed parties in further work.

5. Uniformity with other provincial laws, where practicable.

The Committee is of the opinion that these objectives can be achieved best through the establishment of a new system of tenure based on five year modules or periods of time. During the first module a claim holder would be required to file assessment work in each year (called an "Assessment Module").

In the second module or period the claim holder, if he had complied with the requirements of the first period or module, would be entitled to an "interim holding licence" (IHL) for which he would pay an annual fee equal to the rental required for a lease. If during the period of an IHL the licensee has performed assessment work, it must be filed within 1 year of completion and used as assessment work during any subsequent assessment module, provided it is utilized within 10 years following its filing. Similarly excess assessment work filed during the assessment module, may be carried forward to a subsequent assessment module, subject to the 10 year limitation.

At the end of the first five-year period the claimholder would be able to apply for a lease, if he is able to establish his right to a lease. If he cannot establish his right to a lease, he will be entitled to continue assessment work or obtain a subsequent five-year period of holding under an IHL. The claim would be held in good standing from one ten-year period to another provided all requirements are met. The following diagram illustrates the time and expenditure concepts of the suggested new system:

	yr 1	yr 2	yr 3	yr 4	yr 5	yr 1	yr 2	yr 3	yr 4	yr 5	yr 1	yr 2	yr 3	yr 4	yr 5	yr 1	yr 2	yr 3	yr 4	yr 5	yr 1	yr 2	yr 3	yr 4	yr 5
Performance of Assessment Work	\$a	\$b	\$c	\$d	\$e		\$a	\$b	\$c	\$d	\$e					\$a	\$b	\$c	\$d	\$e					
Payment of a licence fee under an interim holding licence.						\$x	\$x	\$x	\$x	\$x					\$x	\$x	\$x	\$x	\$x	\$x	\$x	\$x	\$x	\$x	\$x

(Figure 2)

The Committee considers that the amount of assessment work required in the first two years should be comparatively small in order that the individual prospector with limited funds may be able to retain his claims for two years at a reasonable expense. During these two years he may prospect his claims and have sufficient time to arrange more expensive exploration and development.

The IHL is intended to serve as a "short term lease", to allow retention of areas of land the size of which are commensurate with the large financial commitment involved with modern, large scale, exploration programs, without the need of an expensive legal survey. Therefore, it follows that the IHL licence fee should be the same as the rental that is charged for a lease. The claim holder must obtain a certificate of record prior to making his application for an IHL. With application for each succeeding five-year module, claim boundaries must be re-blazed and cleared, or re-marked.

Claim holders should not be required to apply for an IHL at the end of the five-year module. At that time they should have the option of continuing on an assessment work basis and applying for the five-year licence at any time at their option. This is in accordance with the prime objective to explore and develop the Province's mineral resources, rather than to create a right to hold land.

The Committee feels that a claimholder should not be able to hold ground for very long periods of time by accumulating assessment work credits, unless the ground is actively explored at least every ten years. Claimholders should be entitled to "bank" their assessment work for a period of up to ten years only. In other words, work can be applied for a period of ten years from the time of its filing.

RECOMMENDATION

19. *For the purpose of holding land while exploring and developing the mineral resources prior to the discovery of a mineral deposit of economic significance;*

(a) that a five-year modular system of assessment work requirements, based on dollar value followed by five years of holding land under an interim holding licence be established;

(b) that upon completion of the assessment work in an assessment module, the holder has the option of applying for an IHL or continuing on an assessment work program;

(c) that the assessment work value in the first two years be comparatively lower;

(d) that fees for an IHL equate to lease rental;

(e) that a certificate of record and of work be required before applying for an interim holding licence;

(f) that boundaries be re-marked every five years;

(g) that, except in special cases, all assessment work be filed within one year of performance and be made public; and

(h) that assessment work shall be utilized during a period of ten years from the date of filing.

EXTENSIONS

Inevitably in any work program, reasonable situations occur when the claimholder is unable to perform his assessment work. Under the present statute, extensions are granted for reason of illness. With regard to other extensions the provisions should be amended to provide that during any five-year assessment module the claimholder should be entitled to a six months' extension as of right upon payment of a fee provided that this extension may not be obtained for the purpose of further extending an extension obtained under the immediately following paragraph.

The Committee is further of the opinion that in any five-year assessment module the claimholder be entitled to one one-year extension on any year's work if he posts with the Ministry a sum of money equal to the amount of the work to be performed. If the work is performed within the year of extension, the deposit is returned. If the work is not filed on or before the last day of the extension period the claim and deposit are forfeited.

The Committee is of the opinion that these extensions are adequate and the claimholder who cannot perform his work within these periods of extension should not be entitled to hold the land to the exclusion of others who might be prepared to explore the land. The Committee discussed the principle of payment in lieu of work and did not support it because it does not lead to the development of the province's mineral resources.

The Committee recognizes a need to stimulate exploration in the northern parts of the Province. Exploration programs in this part of Ontario are costly and difficult to organize by reason of high mobilization costs, difficult terrain, need for specialized equipment and short operating seasons. By way of illustration, one season may be spent in staking and it may not be possible to organize and implement an exploration program within the initial twelve months. To stimulate such exploration, the Committee is of the opinion that it is advisable to permit, in respect of claims that are north of the 52nd parallel of latitude, the first two years' of assessment work to be performed within a 24 month period from the date of recording.

In such cases the right to a six months' extension should not apply and the only extension would be a one-year extension granted under the principle of posting a deposit.

RECOMMENDATIONS

20. *In addition to the existing extensions based on illness, there be only one six-month extension as of right during each five-year module and only one one-year extension on each year's work upon posting of a deposit equal to the work requirement.*

21. *In areas north of Latitude 52, the first two years' assessment work may be performed within twenty-four months from the date of recording but in default, the six months' extension shall not be available.*

BASIS OF ASSESSMENT WORK

Although the objective of assessment requirements is the performance of work that is designed to discover the existence of a mineral deposit, there are two bases upon which to establish the work requirements:

- 1. Days' work basis
- 2. Dollar basis

Both systems contain inequities and have in the past been qualified to take care of the inequities. With regard to the days' work basis, Ontario has provided adjustments, particularly in respect of new survey techniques. On the other hand, Quebec, which is on the dollar basis, has a requirement that the work be acceptable to the Ministry.

A drawback of the dollar system is that it discourages the performing of airborne surveys which are of low cost per claim and add little to credit for assessment work but are of great value in exploring large areas. Further the dollar basis may be prejudicial against the individual who is not able to afford technological services but is able to perform an effective program of mineral deposit identification with his own resources.

Significantly, at present in Ontario 90% of assessment work is performed under the "adjustment to days' work basis" which in fact is a dollar basis. The Committee is satisfied that, although both systems require modifications to deal with inequities, the dollar basis is a better approach.

While the term "standard" has a fairly well understood meaning in industry, the Committee has used the following four types:

- 1. **WORK STANDARDS:** These are standards of the quality of the assessment work itself, or, in other words, specifications in respect of a class of exploration work. By way of illustration, maximum distances between grid lines and between stations on grid lines are common "work standards".
- 2. **DOLLAR REQUIREMENTS:** These requirements are the minimum total or annual dollar requirement that is required to be expended as assessment work. They may vary from year to year during a five-year module and in fact a lower requirement in the earlier years of the module has been recommended. In its deliberations the sub-committee on assessment work developed a model of a reasonably typical exploration program for a 40-acre claim, for the purposes of comparing the two bases of work measurement. The Committee found this model useful and it is recorded here to illustrate the comparison.

MODEL FOR A REASONABLE AND TYPICAL EXPLORATION PROGRAM

Years	Work	Present Cost	Man day Equivalent under the Act	Adjusted Dollar Basis
1.	Airborne Geophysical survey certificate	—	20	\$ 100
2.	Airborne Geophysical survey (one line mile)	\$ 30	40	150
3.	Grid + geological or geophysical survey	250	40	200
4.	Trenching	250	10	400
	30' of DDH @ \$10	300	30	
5.	60' of DDH @ \$10	600	60	600
		\$1430	200	\$1450

It is recognized that dollar costs differ from claimholder to claimholder and that "present costs" could vary commonly from \$1000 to \$1800. Compared with other parts of Canada, it should be noted that "Present Costs" in Ontario on a man-day's basis are higher than those of all the provinces presently using the dollar basis.

In Quebec the holder of a development licence is required to perform \$2 worth of work per acre in the first year and \$4 in each year thereafter, making a total dollar requirement over a five year period of \$770 including the annual rent of 25 cents per acre. In the Northwest Territories the

comparable figure is \$400 and in Manitoba, where a work basis applies, it would be about \$600 to \$700.

The Committee concluded that under present economic conditions the exploration model is fair and reasonable and it could be used to establish a "dollar requirement" for the 5 year assessment module. A total "dollar requirement" (or "Adjusted Dollar Basis") for the 5-year period has been chosen to compare closely with that of the "exploration model".

The next step is to distribute a portion of the \$1450 to each year, in such a way as to encourage fairly all valuable types of prospecting, exploration and development work. The distribution shown in column 5 of the "exploration model" was chosen to encourage individual prospecting, airborne geophysical surveys and new techniques of exploration, without putting expensive techniques such as diamond drilling at a disadvantage. Reasons for this distribution will be more clearly explained later. The amount allowable as work for a certain dollar equivalent should not be provided in the statute but in regulations, after consultation with industry including service contractors.

3. **WORK REQUIREMENTS:** The Committee believes that the claimholder finances the exploration program and government should not dictate which method of exploration be used. It is realized that certain types of exploration work ought to be performed in any exploration program and that particular classes of work ought to be permitted. For example, the Committee feels that some rock work, such as rock trenching, shaft sinking, tunnelling, core drilling, non-core drilling, metallurgical testing, etc. should be performed in an exploration program and land should not be held over long periods of time by performing surveys only. In this regard, the Committee feels that under present circumstances for any given 5-year assessment module, \$700 worth of rock work should be required by regulation, before an IHL can be acquired. As technology changes, similar principles may apply to other types of work.

When a claim is held in good standing by continual annual assessment work, the "dollar requirement" after the fifth year, should be \$600 per annum.

4. **DOLLAR STANDARDS:** This class of standard refers to the need to place flat or fixed rates in respect of some classes of exploratory work. The application of such rates should be subject to compliance with "work standards" in respect of the class of exploratory work, i.e. grid should comply with maximum distances between lines and stations.

The dollar standards may be used as an incentive or stimulant to file a particular class of work with the Ministry.

An illustration is seen in the model in respect of airborne surveys. As indicated, a reasonable present day cost of such surveys for a line mile is \$30, but the "Adjusted Dollar Basis" in the fifth column is \$100 for the first year and \$150 for the second year. The higher allowance is to provide an inducement to file the data from these surveys, which extend beyond the area of the claims to which the work is applied as assessment.

Normally assessment work must be performed on staked land. However airborne surveys usually extend to areas beyond the staked land and data from these areas are not submitted. To encourage the submission of both types of data, regulations should provide for additional assessment credits in respect of airborne surveys with a work standard of a maximum line spacing of one-quarter of a mile, continuous readings, 2 sensors, plotting and interpretation and all tapes and data submitted as follows:

- (a) \$100 per line mile over the staked claims; and
- (b) (i) \$20 per line mile for additional line miles outside the claims (with a maximum amount of \$100 per 40-acre claim), provided results are made public immediately, or
- (ii) \$10 per line mile for additional line miles outside the claim with a maximum amount of \$100 per 40-acre claim, and in such case the data will be held in confidence by the Ministry for a period of two years.

The \$100 or \$2.50 per acre maximum for the staked area allows the claimholder to choose between filing more of the survey with a period of confidentiality or obtaining the same credit for a lesser area while making the data available to the public immediately.

The Committee also is of the opinion that airborne surveys should be an exception to the principle that assessment work is performed after staking and it recommends that surveys performed within a two year period prior to recording of the claim be allowed as assessment work.

It should be noted that under these recommendations, a maximum of \$200 per claim is allowable for airborne geophysical surveys, which should be compared with the \$250 assessment requirement for the first two years. This has the combined advantages of allowing sufficient dollar credit to encourage airborne geophysics but prevents the holding of a claim for two years without further follow-up work.

The Committee is of the opinion that under present economic conditions prospecting could be allotted a dollar standard of \$40 a day, and in this regard the Committee recommends a maximum of \$100 a claim or \$2.50 an acre be imposed. This allows the prospector to hold his ground for one

year by prospecting and a second year by other types of work which are commonly done by individuals, such as trenching.

With reference to geological, geophysical and geochemical surveys, the Committee feels that it cannot at this time recommend a "dollar standard" in respect of the grid or the work by reason of regional variables. With further study the Ministry should be able to derive a "dollar standard" for the grid but it appears that the survey work would best be considered on the general principle of actual costs incurred.

The Committee also recommends that the regulations allow diamond drilling at reasonable cost, in addition \$5 per core specimen, subject to the existing condition of section 86(6) of the Act, should be allowed.

PRIOR PERFORMANCE OF ASSESSMENT WORK

The Committee feels that the general principle that assessment work should be done subsequent to staking should be amended. Prospecting usually precedes staking. Reference has already been made to airborne surveys. The Committee recommends the general principle that any valid assessment work performed by or on behalf of the holder within the six months' period prior to staking should be allowed as assessment work credit.

LAND SURVEYS

Currently legal land surveys can form part of the assessment work. There are two reasons for changing this principle. Firstly, the prime purpose of assessment work is the finding of mineral deposits and not the achievement of the right to hold land. Land surveys do not contribute to this purpose. Secondly, introduction of the interim holding licence does not require a land survey, except with the anticipated fewer number of cases in which a lease will be granted. However the Committee recognizes the importance of establishing and maintaining the survey network in the Province and recommends that notwithstanding these considerations, where a claimholder elects to survey, he may receive one year's credit.

SUBMISSION OF REPORT

The Committee received several briefs and submissions across the province in respect of assessment work reports relating to quality and utility of reports and delay in processing and approving reports by the Ministry. With decentralization of ministry programs, the Committee recommends that the processing of assessment work be speeded up by the submission of the assessment reports to the mining recorders who will have authority to accept and record or reject the report from the point of view of reasonable dollar expenditure, taking into consideration requirements of regulations respecting form and content of reports. Following this the professional and technical staff can consider the report and consult with the author with respect to technical quality of the content of the report. The Committee feel that if this approach is implemented, the past uncertainty of the acceptance of work submitted and recorded will be removed.

This should reduce delays as material can be checked by those most familiar with the local conditions of the mining claim. The Committee also endorses the strengthening of the regional field staff and the increasing of the responsibility for decision making of such staff.

INDEX OF EXPLORATION WORK

The Committee recommends that an index of all exploration work carried out henceforth on unleased or unpatented lands be kept by the Ministry. The index would contain location, extent and specifications of work but not the results. In order to make such an index meaningful, all such index information should be filed with the Ministry within one year of the completion of the exploration work, regardless of its use by the person performing the work. In this manner industry can determine the need to repeat work already done. Where such lands revert to the Crown, the results of the work referred to in the index be submitted to the Ministry within six months. The index and data shall be made available to the public.

With reference to leased or patented lands, the Committee recommends that the submission of an index and data be on a voluntary basis. The Ministry should initiate a program of incentives for soliciting such indices and data on a voluntary basis. Any information so obtained should be held in confidence until the land is surrendered to the Crown or abandoned or sold for taxes or the owner releases the confidence.

RECOMMENDATIONS

22. *Assessment work be required on a dollar basis.*
23. *Application of assessment on a dollar basis, related to a 40 acre claim requires:*
 - (a) *that "work standards" be set;*
 - (b) *that "dollar requirements" for each of the five years in an assessment module be fixed by regulation, with \$100, \$150, \$200, \$400 and \$600 for the first, second, third, fourth and fifth years, respectively, as recommended initial requirements;*
 - (c) *that to qualify for an IHL, the "work requirement" must include a minimum amount of "rock work" fixed by regulation, with \$700 as a recommended initial minimum;*
 - (d) *that dollar value be allowed for work, based on reasonable current costs;*
 - (e) *that "dollar standards" be used where practicable;*
 - (f) *that airborne geophysical surveys be allowed at three different rates as set forth in this report;*
 - (g) *that any acceptable work may be allowed to hold a claim on a continuing basis not using an IHL;*
 - (h) *that when a claim is held in good standing by application of acceptable work on an annual basis without use of an IHL, the "dollar requirement" will be \$600 per annum after the fifth year;*
 - (i) *that \$5 credit be allowed for the submission of a core specimen, subject to existing conditions.*
24. *Valid airborne surveys performed within two years prior to recording and filed within two years of performance and other valid assessment work performed within six months prior to recording be allowed, such airborne surveys being exempt from the one-year limitation on filing.*
25. *Land surveys may constitute one year's assessment work.*
26. *Decentralization of submission of assessment work reports to the field offices of the Ministry should be implemented and the field offices be expanded and strengthened.*
27. *Persons performing exploration work on unleased lands be required to file location, extent and specifications thereof with the Ministry for preparation of a public index and the Ministry institute a program of voluntary submission of such data on leased and patented lands.*

GROUPING

The principle of grouping permits the application of work performed on one claim to other claims for the purpose of complying with the assessment requirements of the other claims. Presently under the Act 4000 man days can be performed on one claim and applied as assessment work on a group of claims. This amount of work would keep 200 claims in good standing for the first year, or 100 claims in the second year or would bring 20 claims to lease.

Conversion of assessment work to a dollar basis will require amendment of this principle of grouping. Grouping enables a prospector to stake out and hold a larger tract of land than that which he is actually working and to work it subsequently in a logical sequence. Accordingly the principle should be retained with the objective of finding new mines rather than the holding of land.

Grouping can be limited either on a dollar or an area basis. Two advantages of the dollar basis are more flexibility for the licensee and easier administration for the Ministry. On the other hand the dollar basis fixes a limit on the amount of work an operator might file, i.e. once the dollar limit is reached the operator will be reluctant to do further work on a claim. This situation could be avoided by the provision of a section in the statute that will enable the Minister, where he is satisfied that such an increase is warranted in the circumstances, to increase the limit.

In Quebec, where the dollar basis is used for assessment work, the grouping limitation is 1200 acres. In the Northwest Territories, not more than 18 claims can be grouped. Usually in other provinces, a fee is charged for a grouping certificate and only one certificate can be issued in respect of any claim in any one year. With the introduction of the block staking system, blocks may not have the same number of acres and need not be divided into claims.

Accordingly the Committee feels that the best interest of the government and industry will be served by the acreage principle. As circumstances, including technology, vary from time to time and geographically, the Committee recommends that the new legislation provide for grouping and re-grouping on an acreage basis with regulations to govern and control the maximum acreage and procedures respecting grouping and regrouping. For present purposes, the Committee is of the opinion that a maximum acreage of 100 claims or 4000 acres would be an appropriate maximum for the regulations.

RECOMMENDATIONS

28. *The principle of grouping and re-grouping in respect of all work be on an acreage basis subject to regulations governing the same.*

29. *Any unit cannot be grouped on more than one occasion in any year.*
30. *An appropriate fee be charged for a grouping certificate.*

GROUPING—PATENTED LANDS

Presently the grouping principle does not now extend to work done on patented lands. There are many patented or leased properties that have lain dormant for many years and in the interest of development of these dormant resources it may be necessary to stake around them. Where such action is taken by the owner of the patented or leased properties there are situations where it would be in the interest of the discovery of new mines to perform the work on the patented or leased lands. There are difficulties foreseen in this approach and it is suggested that provisions be made for establishing limitations and controls.

RECOMMENDATION

31. *New work on patented or leased lands that are contiguous to mining claims or blocks, both controlled by the licensee be considered in the grouping principle and that the Act contain a regulation-making power to establish limitations and controls on the extent of such groupings.*

ASSAY COUPONS

The Committee is of the consensus that the existing program of the Ministry in respect of assay coupons provides a useful service to the prospector and to the rest of the industry and it should be continued. However, there are two disadvantages to the existing program.

1. The time required to obtain results is often too long for the needs of the users and local assayers should be employed to speed up return of results.
2. There may be transportation difficulties and delays in sending the samples to the Ministry office.

RECOMMENDATIONS

32. *That the program of free assay coupons continue but the Ministry study methods of making the program more effective, including the use of private accredited assayers. The private accredited assayer should be able to accept the coupons in payment at a fixed rate and submit them to the Ministry for reimbursement.*

33. *The limitation of free coupons should be removed and entitlement to free coupons be based on staking and assessment work performed.*

CHAPTER 4

FINAL OR ULTIMATE TITLE

Present Situation

Titles to land used for mining purposes today have been granted under a wide variety of Acts.

Types of Title under The Mining Act

1. FEE SIMPLE PATENTS

Where the holder of a mining lease has been in production for more than one year he may obtain a fee simple patent of the mining rights or the total fee simple.

2. LEASES AND LICENCES

(1) On completion of the assessment work the holder of the mining claim may obtain a 21-year lease of the mining rights only or he may obtain a lease of both mining rights and surface rights at his option.

(2) In addition he may obtain a lease of the surface rights for 21 years under section 106 of the Act for the purpose of tailings and waste disposals on lands that are adjacent to the lands on which the mining rights are held.

(3) Under subsection 3 of section 105 the person entitled to a grant in fee simple by reason of more than one year's production is entitled to a perpetual lease.

(4) Section 125 provides for leases in connection with placer mining.

(5) Section 126 contemplates leases in the paleozoic areas following exploration under an exploratory licence of occupation.

(6) Section 123 provides for boring permits and subsequent issue of leases.

(7) Section 124 provides for leases for natural gas and petroleum in Southern Ontario.

(8) Under subsection 2 of section 646 licences, which are limited to exploratory licences of occupation by policy, leases and patents may be granted in special circumstances.

EXISTING TITLES NO LONGER ISSUED

There are a number of leases and licences of occupation in existence which were issued under earlier legislation. New licences and leases of this nature are no longer issued but the existing titles continue. These titles consist of perpetual ten year leases for both mining and surface rights or mining rights only arising in the past by reason of the mining claim being situated in a provincial forest, or by reason of the claim holder electing to take a ten-year perpetual lease in lieu of a patent.

TITLES ISSUED UNDER OTHER STATUTES

Mining rights are held under grants under The Public Lands Act, The Free Grants and Homesteads Act and other Acts and continue to be used for mining purposes.

With reference to the existing titles no longer issued the present legislation provides for the conversion of the titles to the existing leasing system. The Committee has, in the interest of uniformity, considered the advisability of conversion of these titles to the existing 21 year lease system. The statistics indicate that there are currently 1868 leases covering approximately 78,683 acres still in existence and 1683 licences of occupation having 85,304 acres still in existence. Approximately 78.7% of these are being converted to 21-year terms at the present time. In view of the number of titles involved and the progress of the existing program the committee is not prepared to recommend any changes in the existing approach.

With regard to the variety of classes of titles that can be obtained under the present Act, the Committee is of the opinion that it would be advisable from the administrative point of view to consolidate to as great a degree as possible the variety of titles that issue.

In looking to the future, the Committee has considered the following objectives with reference to the matter of the final or ultimate title:

1. It is in the public interest that titles granted under the Act ensure the exploitation of the mineral resource and that titles should not be granted solely for the purpose of holding the land.

2. The title granted should be of sufficient duration to enable the holder to recover the mineral resources.

3. The title should be adequate to provide some measure of security for financing the capital costs in relation to the removal of the mineral resource from the land.

With respect to fee simple titles the present Act has provided for fee simple titles since its revision in 1964. However, since that time there has been no application for a fee simple title. In addition the granting of fee simple titles conflicts with the principle that the land should not be granted in perpetuity as such grants enable the holding of mineral resources without taking all available steps to remove the mineral resources. Turning to titles in other jurisdictions, leases are only granted where the operator is prepared to go into production. This principle has been followed in Quebec and where a person goes into production his title moves from that of a development licence to a production lease and the legislation provides for deterrents against failure to go into production. There are similar provisions in the new legislation in British Columbia.

The Committee recognizes that there are situations where it is no longer advisable to expend further funds on exploration and development and by reason of economic conditions, marketing conditions or even the financial position of the operator it is not prudent to go into production. Accordingly the committee is not prepared to limit the leasing principle to situations where production is or will be carried out. The Committee is satisfied however, that an adequate lease with an adequate length of term and with certain protections for renewal should be sufficient for financing requirements.

RECOMMENDATIONS

34. *Where the qualified holder of a mining claim or an IHL establishes to the satisfaction of the Minister,*

(a) that his claims contain a viable mineral deposit, he is entitled to a 21 year lease of the mining rights only; and

(b) that his claims contain a mineral deposit of economic significance, he is entitled, at the discretion of the Ministry, to a 21-year lease of the mining rights only.

35. *The statute or the lease make it abundantly clear that the lessee has the right of access for the purpose of removal of the mineral resources by any means whatsoever. In other words the lessee will be entitled to use the surface rights for the purpose of removing the minerals, subject to the regulations. Further it should be clear that the right to use the surface for such access is without compensation to any holders of the surface rights where the staking occurred prior to the disposition of the surface rights. The lessee shall be obliged to pay compensation where the staking is subsequent to the disposition of the surface rights.*

36. *The leasing system should provide for the assembling of claims for lease purposes in order that the applicant can include in the leased area all known ore, those reasonable projections and extensions of known ore and those areas required to operate the mining, milling, smelting and refining operations.*

37. *The leases should provide for renewal at the option of the lessee if the lessee is in production. If the lessee is not in production the leases should provide for renewal at the option of the lessor. If the lessee is not in production at the expiry of the lease but has been in production during the term and can establish that there is a significant mineral resource that may not be economic under existing conditions he is entitled to a renewal.*

38. *Wherever possible, the variety of titles now provided for in the Act be reduced.*

GEM STONES

The Committee received briefs, both written and oral, on the subject of commercial businesses taking gem stones from Crown land for processing and re-sale and of individuals searching for the stones and panning for gold for personal use or as hobbies. There is an awareness in the industry that rockhounding and panning are in the interest of the general public.

RECOMMENDATION

39. *Permits for gem stone collection and panning for gold be issued by the mining recorders and refusals to issue such permits be appealable to the Mining Commissioner.*

CHAPTER 5

MINING COMMISSIONER AND MINING RECORDERS

The Committee adopted two concepts in respect of the administration of The Mining Act, i.e.

1. As many functions as possible should be transferred from the Minister to the Commissioner.
2. As many functions as possible should be transferred from the Minister and the Commissioner to the mining recorder.

The Committee believes that it is highly desirable, that the Act spell out the actual office responsible for the action to be taken rather than be drafted in the common method of providing that all action is taken by the Minister with the action in reality being performed by an official through delegation.

The Committee is strongly of the opinion that the functions and levels of responsibility of the mining recorder should not be diluted but be extended to their fullest potential and the new Act should be drafted in a manner that will ensure the continuation of a decision-making authority at the interface level between government and the public.

RECOMMENDATIONS

40. *The powers of the Minister, the Commissioner and the mining recorder be revised to spell out the actual office responsible and the powers of the mining recorder be strengthened.*

41. *The new Act provide for regulations spelling out the administrative level to which delegated decisions of the Minister are transferred.*

CHAPTER 6

ACREAGE TAX

One of the basic principles adopted by the Committee was the stimulation of the discovery and development of the mineral resources in the Province. Under Part XIV of The Mining Act, lands and mining rights granted, used or severed for mining purposes, subject to the exceptions in the Act, are liable to the payment of acreage tax. This tax does not apply to mineral rights included with a large portion of the lands granted by the Crown, unless there is severance or actual use for mining purposes. Out of approximately 28.8 million alienated acres, only 1.5 million acres are taxed in respect of mineral rights.

One of the desired purposes of this tax is the reversion to the Crown of mining rights of persons who are not prepared to explore, develop and produce the mineral resources on their lands.

Among the recommendations contained in the briefs submitted to the Committee there were recommendations that are supported by the Committee, that this tax be amended to provide for a more equal system for taxing mineral rights in lands. There are vast tracts of alienated lands in Ontario that are not subject to this tax and probably contain mineral resources. In recent years, discoveries occurred on a veteran's grant and a railway grant, on which no acreage tax had been paid.

The Committee is of the opinion that the Act should be amended to provide that this tax be applicable to all mineral rights held in fee simple with a view to stimulating greater exploration of the mineral resource and equality of taxation of land owners.

RECOMMENDATIONS

42. *Mineral rights, held in fee simple, regardless of the origin of title be taxed equally across the Province except,*

(a) *land that has been subdivided by a registered plan in lots or parcels for city, town, village or summer resort purposes and there is no severance of the surface and mining rights;*

(b) *land that is being actually used for public park, educational, religious or cemetery purposes and there is no severance of the surface and mining rights.*

43. *In accordance with Recommendation No. 64 sand and gravel will not be considered as mining rights for the purposes of this tax.*

44. *The amendments respecting acreage tax should be made immediately but not come into effect for a period of three years to permit the holders of the mineral rights to assess their position.*

NOTICE OF FORFEITURE

Annual notices of tax show the acreage tax payable, including any arrears, and where acreage tax is two years in arrears notice is given to the owners and other interested persons appearing in the land registry office to have any interest that the land is liable to be forfeited by the end of the year unless the arrears are paid. This notice is mailed not later than June 30th. Not later than July 15th of the same year the list of lands is published in the Ontario Gazette and a local newspaper.

If the taxes are not paid by the 31st of December the lands, or the mining rights, as the case may be, are forfeited to the Crown and subsequently after publication in the Ontario Gazette, become open for staking or other disposition.

Here again part of the objective is to bring the mining rights back into the Crown for the development of the resource. Experience has shown that the publication in the Gazette and in the local newspapers has resulted in the lands being acquired by land speculators who advertise the land in the United States and prevent the land from becoming available for re-evaluation by the mining industry.

The Committee is satisfied that the publication in the Ontario Gazette and in the local newspapers are inefficient methods of bringing attention of the impending forfeiture to those persons who might have any interest in the land.

The Committee is satisfied that these expensive publications serve little purpose in drawing notice of the arrears to the owners and in reality only assist the land speculators. However, there is a

useful purpose in publishing a list of forfeited lands, as such a list may draw the forfeiture to the attention of an unregistered beneficial owner or other interested parties. The Committee is also satisfied that the two year arrears period is out of line with municipal taxation and should be abridged.

RECOMMENDATIONS

45. *The due date for acreage tax be the same date as the date for provincial land tax.*

46. *Where the tax remains unpaid in the following year, two notices shall be given to persons appearing to have any interest either in the records of the Land Registry Office or in the records of the Ministry, including any person in occupation of the land, of the liability of the land to forfeiture. Such notices shall be sent by registered mail on or before June 1st and on or before October 1st and if the arrears are not paid by December 31st, at which time there is in effect two year arrears of taxes, the forfeiture may be made on or after that date. Under this procedure there would be no publication in the Ontario Gazette and local newspaper prior to forfeiture. In lieu of these publications, there should be publication, after forfeiture, of a list of all forfeited lands, indicating which lands will be open for staking on the 1st day of June next following.*

PENALTIES, INTEREST AND COSTS

There is no provision for payment of interest on the arrears of the account. There is a provision for a penalty but the rate of the penalty is 6%. The Committee is of the opinion that these rates are out of date.

RECOMMENDATION

47. *The rates of penalty, interest and costs be fixed by regulations made under the Act.*

RIGHTS SUBJECT TO TAX AND FORFEITURE

Under the present provisions all rights subject to acreage tax are liable to forfeiture on non-payment of the tax. In unorganized areas the surface rights, as well as mining rights, are forfeited under this Act to the Crown where they are subject to taxation.

In municipalities, where lands that are subject to acreage tax are forfeited to the Crown for non-payment of acreage tax, the mining rights only are forfeited to the Crown and the municipality is restricted to dealing with surface rights. In respect of other lands the municipality acquires or deals with both mining and surface rights.

The Committee is of the opinion that acreage tax should be related solely to mining rights and that regardless of the location, all mining rights should be taxed and forfeited to the Crown in right of Ontario and that other taxing authorities have no jurisdiction to tax mining rights.

RECOMMENDATION

48. *The legislation be amended to provide for the taxation and forfeiture to the Crown of mining rights only, regardless of origin of title or location.*

CHAPTER 7

CANADIAN PARTICIPATION IN THE MINING INDUSTRY

The Committee is aware of and has given consideration to the trends toward restricting the disposition of Crown lands to non-residents or non-citizens of Canada. In the recent legislation in British Columbia, Canadian citizenship has become a pre-requisite of the right to obtain a free miner's certificate which is equivalent to our prospector's licence. The only exception to this is a landed immigrant during the first eight years of his residence in Canada. If he does not, during that interval, become a Canadian citizen, he loses the right to obtain a certificate. For similar purposes corporations are restricted to those corporations of which at least 50% of the directors are Canadian residents. Similarly only those persons that hold free miner's certificates are entitled to apply for leases to produce minerals.

Ontario has adopted the principle of Canadian citizenship or landed immigrant status with regard to leases of summer resort lands for private purposes during the first year that such lands are available for lease.

The Committee is of the opinion that the objective should be to maximize Canadian ownership and financial involvement without compromising foreign investments. To achieve this end the Committee believes that there is no need of placing any restrictions on the staking of claims or on the exploration and development of claims and that the only stage at which any control should be imposed is the leasing stage. This principle will make foreign capital fully available for staking and exploration and development programs. At the same time the Committee feels that the opportunity should be available to Canadians to participate in the development of these mineral resources.

RECOMMENDATION

49. *There be no prohibition against foreign participation except in connection with the issue and holding of leases and patents. The issue and holding of future titles be restricted to the extent that such title shall be held by:*

- (a) Canadian citizens who are beneficial owners;*
- (b) companies whose shares are listed on a Canadian stock exchange or qualifying as a "reporting" company under The Ontario Securities Act; or*
- (c) a private corporation of which 50% of the issued shares are beneficially owned by Canadian citizens or corporations qualifying under clause b.*

CHAPTER 8

EXPORT OF UNREFINED ORE

Prior to 1970, iron ore and the lands from which iron ore was mined were exempted under the Act from the requirement now in section 113 that the ores and minerals shall be treated and refined in Canada so as to yield refined metal or other products suitable for direct use in the arts without further treatment. In addition the section only applied to grants after April 12, 1917. In 1970 both statutory exemptions were repealed.

The advantages and disadvantages of this section of The Mining Act can be ascertained if one is familiar with the practical conditions related to this particular philosophy. The spirit in which this section was written is obvious in its intention to be beneficial to the development of resources in Ontario with the ultimate goal of beneficiating the mineral resources to the highest form of refinement in the province before sale locally or for export.

There are some obvious disadvantages to the small producer of concentrates in that they are forced to deal with a local smelter (in most cases only one) and have to take the price offered without recourse to outside markets if they are going to market their concentrate at all.

The uncertainty of disposition of export permits and short duration of time allowed creates problems in the long term planning necessary in most developments and also makes it almost impossible for small operators to obtain necessary financing from conventional banking sources. The other world marketing problem is obtaining a purchaser of refined metals. Many countries, e.g. West Germany and Japan, place embargoes on the import of these commodities. The assumption that the development of greater smelter capacity is the end-all solution to the processing of metals is not really true in the practical sense and is over-played by the uninformed.

The economic limits in the volume of production of most minerals is such that the domestic market can only consume a portion of the total production, as a rule not sufficient to create a viable project. The export of the balance of the production is necessary to bring about the profitable development of the mineral deposit.

It is also a fact that the cost factors of labour, material supply, power and transportation place Ontario in an uncompetitive position in relation to some provinces and other countries when we talk about building smelters or steel mills under present conditions.

To date we have not had access to any facts that would lead us to believe that this section of the Act has contributed to any additional development of minerals and metals in the province. On the contrary there would appear to be strong evidence that the iron mining portion of the mineral industry has suffered severe set backs in the area of development of new iron ore occurrences since this section became part of The Mining Act.

RECOMMENDATION

50. *Section 113 be repealed and as it has proven to be unworkable and in keeping with the philosophy that as much processing as possible should be done in Canada, it is recommended that treatment and refinement of ores and minerals be encouraged through use of incentives rather than punitive legislation.*

CHAPTER 9

MINING IN PROVINCIAL PARKS

Section 39 of the Act prohibits prospecting, staking and development of mineral interests in provincial parks except as provided by regulations made under The Provincial Parks Act. During the Second World War and for a short time thereafter the regulations permitted limited mining activity. Since the mid-fifties no new activities have been permitted.

The Committee recognizes the public demand for recreational areas and the difficulties of applying the multiple-use concept where quietness and natural surroundings are prerequisites of recreation.

On the other hand the Committee strongly emphasizes that there are a number of considerations relative to the mineral resource of Ontario that ought to receive due consideration. Mineral resources, unlike agricultural and forest products cannot be cultivated or nurtured and can only be mined where they exist.

Secondly, mineral resources have limited life and the utilization of a deposit of this resource is not an operation of perpetual duration. The utilization of a deposit is a short term matter in the life of a park where the utilization of the recreational resource is expected to last indefinitely.

Thirdly, the exploration for and development of mineral resources can be controlled to make them compatible with the multiple-use concept through control of time of operations, access, noise control, visibility controls and provisions for rehabilitation and removal of infrastructure on completion of operations. Also there are large areas with lakes and rivers and of little commercial value that could provide alternative recreation sites during mining operations.

The Committee is of the opinion that it is not reasonable, sensible or economically justifiable to tie up a large portion of the Province to preclude the controlled development of the mineral resources.

RECOMMENDATION

51. *In keeping with the philosophy of multiple land use, that mining exploration, development and production of Ontario's mineral resources be permitted in provincial parks subject to conditions as may be determined by the Minister of Natural Resources with regard to environmental and recreational considerations.*

52. *The Committee supports and commends the Ministry on its policy of reviewing proposed park areas for mineral potential and recommends the continuation of this policy.*

CHAPTER 10

LIST OF RECOMMENDATIONS

- 1 The adoption of map staking as a basic method of land acquisition throughout the province be deferred until such time as the Ontario Co-ordinate System of land surveys has been developed to the stage at which it would be of universal application across the province, and until such time as the recommendation of the Law Reform Commission regarding the establishment of a system of conversion of descriptions to the Ontario Co-ordinate System be implemented.
- 2 The 40-acre claim system, subject to its adjustment in subdivided townships, be retained.
- 3 Perimeter staking of a land area of more than one claim of forty acres and not more than 640 acres, with astronomic boundaries, and a length of not more than four times the width, by the marking of the perimeter only, (no inside lines), with perimeter posts at 1320 ft. intervals be permitted.
- 4 The existing system of exploratory licences of occupation under subsection 1 of section 656 of The Mining Act and discretionary licences under subsection 2 of section 646 of The Mining Act be retained.
- 5 The only qualification for a person to obtain a prospector's licence is to be 18 years of age or over, or the existing principles in respect of companies shall apply.
- 6 The licence is required to prospect on Crown lands, stake and record claims, but not to hold or transfer claims or record work.
- 7 The licence take the form of a plastic card or a card of other durable material.
- 8 The term of a licence be one year from the date of issue, or such longer period as may be fixed by regulation, having regard to the possibility of computerization of the licensing system.
- 9 There should be new procedures whereby a licensee may stake out or cause to be staked out a block of land by erecting posts at the corners and marking out lines between the posts in any sequence. The Act should spell out the basic approaches or methods and regulations made to cover details of procedures of acquisition.
10. The corner posts should be numbered with the northeast post bearing the numeral I, and the other corner posts being numbered in a clockwise direction and intervening perimeter posts should be marked with reference to the last corner post.
11. In staking a block or a claim or a contiguous group of claims, the licensee in whose name the claim will be recorded must have been on the ground within the confines of the area staked during the time of staking. He can have any assistance required by him and the assistants can erect posts and cut lines as required. The inscriptions on the posts must show the name of the person in whose name the claim will be recorded and the name of the person erecting the post. The licensee in whose name the claim is recorded must certify that the staking is in accordance with the Act and the regulations. The assistants do not require to be licensed.
12. The effective time of staking be the time of completion including the establishment of the boundary lines. The date and time of planting of each corner post shall be inscribed on the corner post and the latest date and time inscribed shall be the time of completion.
13. The Act provide for the making of regulations providing alternative methods of marking lines.
14. The Act be amended to require the tagging of claims at the time of staking.
15. Tags do not expire, that tags be transferable and the necessity for endorsement on prospector's licences be eliminated.

16. The Ministry look into the feasibility of tags made of material that can be inscribed and on which the information that is required to be placed on a post may be inscribed on the tag.
17. Section 61 be amended to repeal the obligation to endorse the licence at the time of recording the claim.
18. After a claim has been recorded for sixty days or more, and upon payment of a fee, field inspection and such other conditions as may be required, the claim shall be deemed to have been staked in accordance with the Act and shall not be subject to dispute except on proof of mistake or fraud on an application to the Commissioner by the Crown or an officer of the Ministry.
19. For the purpose of holding land while exploring and developing the mineral resources prior to the discovery of a mineral deposit of economic significance;
 - (a) that a five-year modular system of assessment work requirements, based on dollar value followed by five years of holding land under an interim holding licence be established;
 - (b) that upon completion of the assessment work in an assessment module the holder has the option of applying for an IHL or continuing on an assessment work program;
 - (c) the assessment work value in the first two years be comparatively lower;
 - (d) that fees for an IHL equate to lease rental;
 - (e) that a certificate of record and of work be required before applying for an interim holding licence;
 - (f) that boundaries be re-marked every five years;
 - (g) that, except in special cases, all assessment work be filed within one year of performance and be made public; and
 - (h) that assessment work shall be utilized during a period of ten years from the date of filing.
20. In addition to the existing extensions based on illness, there be only one six-month extension as of right during each five year module and only one one-year extension on each years' work upon posting of a deposit equal to the work requirement.
21. In areas north of Latitude 52, the first two year's assessment work may be performed within twenty-four months from the date of recording but in default, the six months' extension shall not be available.
22. Assessment work be required on a dollar basis.
23. Application of assessment on a dollar basis, related to a 40 acre claim, requires:
 - (a) that "work standards" be set;
 - (b) that "dollar requirements" for each of the five years in an assessment module be fixed by regulation, with \$100, \$150, \$200, \$400 and \$600 for the first, second, third, fourth and fifth years, respectively, as recommended initial requirements;
 - (c) that to qualify for an IHL, the "work requirement" must include a minimum amount of "rock work" fixed by regulation, with \$700 as a recommended initial minimum;
 - (d) that dollar value be allowed for work, based on reasonable current costs;
 - (e) that "dollar standards" be used where practicable;
 - (f) that airborne geophysical surveys be allowed at three different rates as set forth in this report;
 - (g) that any acceptable work may be allowed to hold a claim on a continuing basis not using an IHL;
 - (h) that when a claim is held in good standing by application of acceptable work on an annual basis without use of an IHL, the "dollar requirement" will be \$600 per annum after the fifth year;
 - (i) that \$5 credit be allowed for the submission of a core specimen, subject to existing conditions.
24. Valid airborne surveys performed within two years prior to recording and filed within two years of performance and other valid assessment work performed within six months prior to recording be allowed, such airborne surveys being exempt from the one-year limitation on filing.
25. Land surveys may constitute one year's assessment work.
26. Decentralization of submission of assessment work reports to the field offices of the Ministry should be implemented and the field offices be expanded and strengthened.

27. Persons performing exploration work on unleased lands be required to file location, extent and specifications thereof with the Ministry for preparation of a public index and the Ministry institute a program of voluntary submission of such data on leased and patented lands.
28. The principle of grouping and re-grouping in respect of all work be on an acreage basis subject to regulations governing the same.
29. Any unit cannot be grouped on more than one occasion in any year.
30. An appropriate fee be charged for a grouping certificate.
31. New work on patented or leased lands that are contiguous to mining claims or blocks, both controlled by the licensee be considered in the grouping principle and that the Act contain a regulation-making power to establish limitations and controls on the extent of such groupings.
32. That the program of free assay coupons continue but the Ministry study methods of making the program more effective, including the use of private accredited assayers. The private accredited assayer should be able to accept the coupons in payment at a fixed rate and submit them to the Ministry for reimbursement.
33. The limitation of free coupons should be removed and entitlement to free coupons be based on staking and assessment work performed.
34. Where the qualified holder of a mining claim or an IHL establishes to the satisfaction of the Minister,
 - (a) that his claims contain a viable mineral deposit, he is entitled to a 21-year lease of the mining rights only; and
 - (b) that his claims contain a mineral deposit of economic significance, he is entitled, at the discretion of the Ministry, to a 21-year lease of the mining rights only.
35. The statute or the lease make it abundantly clear that the lessee has the right of access for the purpose of removal of the mineral resources by any means whatsoever. In other words the lessee will be entitled to use the surface rights for the purpose of removing the minerals, subject to the regulations. Further it should be clear that the right to use the surface for such access is without compensation to any holders of the surface rights where the staking occurred prior to the disposition of the surface rights. The lessee shall be obliged to pay compensation where the staking is subsequent to the disposition of the surface rights.
36. The leasing system should provide for the assembling of claims for lease purposes in order that the applicant can include in the leased area all known ore, those reasonable projections and extensions of known ore and those areas required to operate the mining, milling, smelting and refining operations.
37. The leases should provide for renewal at the option of the lessee if the lessee is in production. If the lessee is not in production the leases should provide for renewal at the option of the lessor. If the lessee is not in production at the expiry of the lease but has been in production during the term and can establish that there is a significant mineral resource that may not be economic under existing conditions he is entitled to a renewal.
38. Wherever possible, the variety of titles now provided for in the Act be reduced.
39. Permits for gem stone collection and panning for gold be issued by the mining recorders and refusals to issue such permits be appealable to the Mining Commissioner.
40. The powers of the Minister, the Commissioner and the mining recorder be revised to spell out the actual office responsible and the powers of the mining recorder be strengthened.
41. The new Act provide for regulations spelling out the administrative level to which delegated decisions of the Minister are transferred.
42. Mineral rights, held in fee simple, regardless of the origin of title be taxed equally across the province except,
 - (a) land that has been subdivided by a registered plan in lots or parcels for city, town, village or summer resort purposes and there is no severance of the surface and mining rights;
 - (b) land that is being actually used for public park, educational, religious or cemetery purposes and there is no severances of the surface and mining rights.

43. In accordance with Recommendation No. 64 sand and gravel will not be considered as mining rights for the purposes of this tax.
44. The amendments respecting acreage tax should be made immediately but not come into effect for a period of three years to permit the holders of the mineral rights to assess their position.
45. The due date for acreage tax be the same date as the date for provincial land tax.
46. Where the tax remains unpaid in the following year, two notices shall be given to persons appearing to have any interest either in the records of the Land Registry Office or in the records of the Ministry, including any person in occupation of the land, of the liability of the land to forfeiture. Such notices shall be sent by registered mail on or before June 1st and on or before October 1st and if the arrears are not paid by December 31st, at which time there is in effect two year arrears of taxes, the forfeiture may be made on or after that date. Under this procedure there would be no publication in the Ontario Gazette and local newspaper prior to forfeiture. In lieu of these publications, there should be publication, after forfeiture, of a list of all forfeited lands, indicating which lands will be open for staking on the 1st day of June next following.
47. The rates of penalty, interest and costs be fixed by regulations made under the Act.
48. The legislation be amended to provide for the taxation and forfeiture to the Crown of mining rights only, regardless of origin of title or location.
49. There be no prohibition against foreign participation except in connection with the issue and holding of leases and patents. The issue and holding of future titles be restricted to the extent that such title shall be held by:
 - (a) Canadian citizens who are beneficial owners;
 - (b) companies whose shares are listed on a Canadian stock exchange or qualifying as a "reporting" company under The Ontario Securities Act; or
 - (c) a private corporation of which 50% of the issued shares are beneficially owned by Canadian citizens or corporations qualifying under clause b.
50. Section 113 be repealed and as it has proven to be unworkable and in keeping with the philosophy that as much processing as possible should be done in Canada, it is recommended that treatment and refinement of ores and minerals be encouraged through use of incentives rather than punitive legislation.
51. In keeping with the philosophy of multiple land use, that mining exploration, development and production of Ontario's mineral resources be permitted in provincial parks subject to conditions as may be determined by the Minister of Natural Resources with regard to environmental and recreational considerations.
52. The Committee supports and commends the Ministry on its policy of reviewing proposed park areas for mineral potential and recommends the continuation of this policy.
53. The definitions of mining lands and mining rights should be very carefully considered and defined by the technical and professional personnel of the Ministry, for the purposes of the new Act.
54. The fee mentioned in section 10 of the Act should be removed as it is included in the Schedule and placed in the regulations with other fees.
55. The precise hours for business should be spelled out in the regulations so that all persons attending Ministry offices should be aware of times at which they can expect to register their documents and make searches.
56. The powers of inspectors under section 14 should be examined in light of the broad powers given by the section and by reason of such breadth should be restricted to use with approval of the Minister.
57. In keeping with the principle established that land should be available for development of the mineral resource, the Committee recommends that:
 - Clause (b) of subsection 1 of section 95 be amended to reduce the time during which the Commissioner may make an order or orders relieving mining claims from forfeiture from six months to sixty days;

Clause (c) of the said subsection remain with a six month period for relief from forfeiture because work has been previously performed;

Clause (d) of the said subsection remain with a six month period of relief from forfeiture from failure to apply for a lease or an interim holding licence, subject to the new principle regarding interim holding licences.

58. Under the Act, the rights of a claimholder expire with the final date for performance of work. However, to permit time to record the work, which can continue until the final day, a 10 day's period of grace is allowed and this period may in fact be longer than 10 days if the work reports are mailed on the last day of the period of grace. During this period of grace, the lands are open for staking according to the records in the mining recorder's office. There have been many instances where bona fide stakers, acting on information on record in the mining recorder's office, have staked during the period of grace and have found on attempting to record that work had been filed during the period of grace. This results in unwarranted expenditure of time, money and labour and in some cases disputes. To prevent such situations in the future, the Committee recommends that:

Where loss of rights occur by reason of non-performance of work, the land is not open for staking until 7 a.m., standard time, on the 16th day following the loss of rights (section 95(6)).

59. Subsection 6 of section 117 of the Act imposes a penalty of twice the assessment work and double the rent in respect of surplus acreage of a mining claim found on performance of the survey to contain more than 45 acres. With the new concept of interim holding licences, such surpluses may not become apparent for a number of years or until the survey is performed. As the objective is the encouragement of the performance of assessment work, the Committee recommends that:

Where it is found on the basis of a survey that the claim or claim blocks are found to contain more acreage than have been recorded, there be no penalty in respect of work but that the deficit work must be performed at the regular rates or the surplus acreage abandoned. In addition there should be no penalty in respect of rent but any arrears of rent that should have been paid must be paid.

60. The provisions of section 120 of the Act respecting placer mining which have been unused for seventy years be repealed and such operations be conducted under normal staking procedures, special arrangement under section 646 (2), or regulations under section 125.

61. It is a fundamental requirement of land administration that the control of the disposition and the recording and the subsequent issue of title to the public mineral resources be continued under the jurisdiction of one Ministry and accordingly, the Committee recommends that:

Sections 121 to 124, inclusive, of the Act remain under the jurisdiction of the Ministry of Natural Resources and the provisions be reviewed to reflect present day conditions, including consideration of the repeal of boring permits which have not been used for a number of years.

62. For the purpose of including all areas of paleozoic rock formations in the northern part of the province in the regulations respecting exploratory licenses and leases, the Committee recommends that:

Section 126 be amended to apply to the parts of Ontario lying north of the fiftieth parallel of latitude.

63. Part VII of the Act provides for the issue of quarry permits which authorize the taking of sand, gravel and rock from Crown land subject to conditions. With the proposed extension of the application of The Pits and Quarries Control Act, 1971, into areas that contain tracts of Crown land, there will result duplication of conditions and controls, fees, forms, inspections and other administrative services in respect of pits in such areas as well as confusion in the minds of the public as to the requirements of both Acts. Therefore, the Committee recommends that:

The Pits and Quarries Control Act, 1971, be amended to exclude Crown lands, including lands under quarry permits, that quarry permits continue to be dealt with under The Mining Act and that The Mining Act provide for rehabilitation of such pits recoverable out of royalties levied for the purpose and that subsection 5 of section 127 be amended to provide for terms up to a five-year period.

64. For the purposes of the new Act and subsequent titles, sand and gravel be considered as part of the surface rights.

65. The dollar value of land referred to in section 158 dealing with costs before the Commissioner be updated to present day standards.

66. For clarification, efficiency and ease of administration, Part IX and X of the present Mining Act be separated from the Act and be cited The Mining Operations Act and the new portion of The Mining Act be cited as The Mining Exploration and Development Act.
67. As it serves no useful purpose, clause (b) of subsection 1 of section 628 making it an offence to drill on Crown lands that are not staked and recorded be repealed.
68. The unauthorized destruction of core storage be made an offence against the Act.
69. The maximum fines in the Act be updated to present day standards but the Committee does not see the need of establishing a maximum fine of \$5,000.00 a day as has been suggested to the Committee.
70. Section 629 creating an offence in respect of operation of a smelter be repealed and considered as a provision of The Mining Operations Act.
71. Section 631 prohibiting the use of the term "Bureau" be repealed as it is obsolete.
72. The relevant portion of section 633 be transferred to The Mining Operations Act.
73. The fees established by section 648 and the Schedule to the Act be transferred to the regulations.
74. With a view to more expeditious and efficient administration of the Act and simplification of the procedures, section 652 be amended to provide that the recorder can deal with applications arising before the issue of a lease, subject to the usual appeal, and that applications in respect of leased or patented lands be dealt with by the Commissioner. It should be made clear that vesting orders under section 667 dealing with tax arrears situations are dealt with by the Commissioner.
75. The distinction in section 653 between the northern and southern parts of Ontario be removed and the principle that the Crown owns the minerals in road allowances apply across the province.
76. The provisions of section 656 respecting technical prospecting be amended to add a restriction that it be permitted only in remote areas and that:
 - (a) a minimum acreage of 10,000 acres be established;
 - (b) the deposit be equivalent to each year's work commitment;
 - (c) that the work commitment be \$1 an acre in the first year, \$2 an acre in the second year and \$3 an acre in the 3rd year and that the annual minimum expenditure be removed;
 - (d) that the Minister have authority to extend the 60-day period for filing evidence of the performance of work;
 - (e) that the annual minimum expenditure for reduced areas in the second and third year be \$2 an acre and \$3 an acre, respectively, with no minimum, provided the area shall not be reduced below 10,000 acres;
 - (f) the lease, if granted, shall be subject to the general principles respecting leasing contained in this report.
77. As the principle of section 674 providing for the compromise of arrears of acreage tax is not in accord with the principle of making mineral rights available for exploration and development, the section be repealed.
78. In order to assist the explorer and developer particularly in unsubdivided areas, and in addition, to facilitate the work in the mining recorder's office, the Committee recommends that aerial photographic mosaics be used in conjunction with mining claim maps.
79. The Committee recommends that the Mining Act clearly spell out that Ministry of Natural Resources employees be prohibited from acquiring mining rights in Crown lands (excluding leased or patented lands).
80. In re-writing the Act, the recommended terminology of the Ad-Hoc Committee of the Provincial Mine Ministers' Conference be adopted to the fullest extent possible, and where possible definitions be used to enable industry to understand the Act.

Dated at Toronto this 18th day of February 1974.


VICE CHAIRMAN

Robt. Campbell

B. Kemmer
MEMBER

MEMBER J.P. Sardis

MEMBER

MEMBER

APPENDIX “A”

Location and Dates of Public Meetings and Hearings

1972

Oct. 12 to Oct. 28 . .	. Tour by three Committee members to New Caledonia and Australia
Nov. 14	. Red Lake
Nov. 15 Dryden
Nov. 16 and 17 . .	. Thunder Bay
Dec. 4 Kirkland Lake
Dec. 5 and 6 Timmins

1973

Jan. 16	. . Sudbury
Jan. 17	. Sault Ste. Marie
Feb. 5 and 6	. Toronto
Mar. 13 Royal York Hotel, Toronto
May 4	. Queen’s Park

APPENDIX “B”

LIST OF FORMAL SUBMISSIONS

Associations, Institutes, Committees, etc.

Association of Explorations Geo-chemists
Association of Ontario Land Surveyors
Australian Mining Industry Council
Canadian Diamond Drilling Association
Canadian Exploration Geophysical Society
Executive Committee, Porcupine Branch of Prospectors & Developers Association
Northern Prospectors' Association
Northwestern Ontario Prospectors' Association
Prospectors and Developers Associations of Canada
Manitoba Prospectors and Developers Association

Consulting Engineers, O.L.S., P.Eng., Geologist, etc.

D. W. Endleman, P.Eng. O.L.S.
David F. Fisher, M.Sc. FGAC
Albert Hopkins, Consulting Engineer
J. L. Hough, Geologist
James A. Kelly, P.Eng.
L. F. Kendall-Leicester, B.A.F.
Elsie G. MacGill, Consulting Engineer
R. C. McMurchy, P.Eng.
G. T. Rogers, O.L.S.
G. Shartner, P.Eng. (2)
A. James Walker, P.Eng.

Corporations

A. C. Howe International Ltd.
Amax Exploration, Inc.
Algoma Central Railway
Asarco Explorations Co. of Canada Ltd.
Barcis-Lona Mines Ltd.
Barringer Research Ltd. (2)
Canadian Imperial Bank of Commerce
Cartographic Services
Dome Exploration (Canada) Ltd.
Ducanex Resources Ltd.
Falconbridge Nickel Mines Co. Ltd. (2)
Freeport Canadian Exploration Ltd.
Granges Exploration AB Canadian Division
Great Plains Development Co. of Canada Ltd.
Keevil Mining Group Ltd.
Lynx-Canada Exploration Ltd.
Mattagami Lake Mines Ltd.
Muscocho Exploration Ltd.
New Metalore Mining Co. Ltd.
Newconex Canadian Exploration Ltd.
Newmont Mining Corp. of Canada Ltd.
Noranda Mines Ltd.
Rio Algom-Rio Tinto Canadian Exploration Ltd.
Serem Ltée
H. L. Sutcliffe Ltd.

Texas Gulf Inc.
The Adams Mine Ltd.
The Hanna Mining Co.
The International Nickel Company of Canada, Limited
Abitibi Paper Co. Ltd.

Ministry of Natural Resources—Staff Members

M. W. Carter
Roger Denomme
William L. Good
H. A. Groen
W. A. Hoffman
G. A. Jewett
H. E. Lovell
Fred W. Matthews
James A. Robertson
Roy Rupert
R. P. Sage
J. A. Stocking
P. C. Thurston
W. J. Wolfe
Interim Brief—All Resident Geologist of Ontario
D. A. Moddle
R. A. Riley

Prospectors, Individuals, etc.

Larry Baarts
L. Jos. Beaupre
D. N. Beninger
Harold Briscoe
Ike Burns
Emil Chorzepa
D. E. Christianson
Albert Decker
E. C. Deloye
M. C. Dykes
H. E. Foster
E. A. Gallo
W. Gray
Mrs. Hilda M. Holm
K. P. Home
Bon Idziak, Sr.
David A. MacKay
Wm. D. Morehouse
Roy McCarthy
Roland Norland
Ray Ramsay (2)
Jack B. Schaus
Stewart H. Staunton
Jack G. Willars
W. Heshka
L. E. Begin

APPENDIX “C”

The Committee has completely reviewed all existing sections of The Mining Act, except Part IX and X with a view to clarification, amendment, revision or deletion. Many of the sections reviewed fall within the purview of the four established subcommittees, therefore only those sections that are recommended for change are highlighted in this appendix.

SECTION 1

1. “agent”—delete and place in The Mining Operations Act. Not needed in the Exploration and Development Act.
4. “Crown land.” Revise to reflect present day interpretation.
8. “holder”—amend by deleting “a boring permit.”
10. “inspector” should be redefined to delete clause b of subsection 1 of section 169 as this section will be placed in The Mining Operations Act.
14. “metal tag”—delete “supplied by the mining recorder.” Substitute “Ministry” for Department.
17. “minerals”—to be defined.
18. “mining lands”—see recommendation #53.
19. “mining rights”—should also provide right of access. See recommendations #35 and #53.
21. “owner”—redefine and clarify due to the recommendation to separate The Mining Act. See recommendation #66.
22. “patent”—ensure references are correct.
27. “surface rights”—clarify and add in “including sand and gravel.”
30. —delete—

PART 1

Administration

9. (1) The appointment of a Mining Recorder by the Lieutenant Governor in Council is not necessary however such position should be continued as an officer of the Ministry.
(2) The appointment of Acting Mining Recorder should be continued by the Minister or a delegated official.
10. Delete reference to fee as recommended under recommendation #54.
14. This section be amended as recommended under recommendation #56.
15. This section be amended. See recommendation #79.
18. Amend to delete any reference to Northern Affairs Branch and Northern Affairs Officer
22. repeal.
24. (1) A licence will no longer be required to hold mining claims. (See recommendation #6, this section should be rewritten.) Reference to boring permits be deleted as it is recommended under recommendation #61 that they no longer be issued
25. (2) As recommendation #8 recommends licences expire one year from date of issue, therefore this subsection should be rewritten.
(4) This subsection be rewritten in order that any officer of a company is eligible to sign
(7) Amend to include appointed issuing officers.
26. Delete any reference to a letter of the alphabet henceforth licence will only bear a number.
28. (1) This section be rewritten to reflect recommendation #8 which recommends multiple year renewals and additional issuing officers.
(3) see recommendation #8.
(4) see recommendation #8.
29. (1) see section 25(7) above.
30. repeal.
32. repeal.
34. This section should be rewritten to impose a restriction on the person holding a licence rather than the licence and the decision be the Commissioner’s rather than the Minister’s, on recommendation of the recorder.
34. (5) repeal.
36. This section should be rewritten to clarify the rights of the licensee where the surface rights are patented and the mining rights are under staking but not under title.
See recommendation #35.
37. This section should be clarified as the Committee is unsure as to why the Ontario Northland Commission is singled out.

37. (d) This clause should be re-examined.
38. The Committee recommends that clause (b) be deleted or rewritten to protect the surface rights applicant under The Public Lands Act. See recommendation #35.—that Clause (c) be deleted as this has caused confusion in staking, recording and title issue for no useful purpose.
39. The Committee recommends staking in Provincial Parks. See recommendation #51.
40. This section be amended to have the decisions pertaining to improvements made by the Mining Recorder subject to right of appeal to the Mining Commissioner.
44. delete—obsolete and not used.
45. delete—obsolete and not used.
47. delete—covered under another Act.
- 48–51 The Committee has made specific recommendations concerning staking.
55. delete—redundant.
56. The Committee has made specific recommendations concerning staking.
60. The Committee has made specific recommendations concerning staking and tagging.
61. Amend. The Committee recommends licences no longer need to be endorsed.
63. (3) delete reference to Commissioner. Delegate to Mining Recorder only.
(5) The Committee recommends mandatory tagging. See recommendation #14.
(6) repeal.
(7) repeal.
(8) repeal.
64. Revise in accordance with Committee's recommendation #15 concerning tagging and to include offices other than mining recorder with respect to purchase of tags.
(9) delete the requirement of clause (a).
65. (5) Rewrite in accordance with recommendation #18 respecting security of title.
66. Rewrite. The Committee recommends, under recommendation #18, to provide the licensee with the assurance of secure title and also recommendation #35 concerning surface rights compensation.
67. Rewrite. See above.
69. This section should be rewritten to incorporate the principles adapted concerning claim tenure, subsection 6 to be amended to include interim holding licence.
70. This section should be rewritten to illustrate the claimholder has a prior right to surface rights and prior to disposition of any surface rights the claimholder be given 60 days notice in order to make representation concerning proof of need. See Committee's recommendation #35
72. The Committee recommends this section be rewritten to conform with recommendations #32 and #33 concerning assay coupons.
73. This section be amended to delegate the authority to extend time for removal to the mining recorder.
74. This section be amended to delegate the authority of holding a hearing and rendering a decision to the mining recorder.
77. The Committee recommends this section be rewritten in clearer legal terminology to remove any possible ambiguity.
83. Subsections 2 and 3 be amended to include "any designated office."
84. (2) delete Commissioner so that the Mining Recorder only issues a certificate.
(4) delete Commissioner so that the Mining Recorder issues the continuing Order and the vacating Order.
(6) The Committee recommends that this subsection be rewritten in clearer terminology to remove any ambiguity.
(10) delete Commissioner and substitute "Mining Recorder."
- 85–88 inclusive
The Committee recommends that these sections be rewritten in their entirety in accordance with the Committee's recommendation concerning tenure and working conditions.
89. The Committee recommends this section be amended to delete any reference to metal tags.
90. Amend to delete Commissioner and delegate to Mining Recorder.
91. same as above.
92. (2) Rewrite to specify that the mining claim is open for staking at 7:00 a.m. standard time as set out in section 95(6).
94. delete clause (a).
delete Commissioner in clause (b).
95. (1) (a) delete
(b) The Committee recommends that clause (b) be amended to reduce the time the Commissioner may make Orders relieving claims from forfeiture from six months to sixty days. See recommendation #57.

95. (d) amend as per Committee's recommendation #57.
(e) delete
(2) delete Commissioner and insert Mining Recorder.
(2) (1) delete
(2) (2) amend as per Committee's recommendation #20 respecting extensions.
(3) delete
(4) amend as per Committee's recommendation #20 respecting extensions.
(5) delete Commissioner and insert Mining Recorder.
(6) amend to specify standard time.
(9) delete—not applicable.
(11) delete—not applicable.
96. delete—not applicable.
101. The Committee recommends that this section be amended in view of recommendation #35 concerning prior rights of claim holder and where the Mining Recorder is satisfied that no work has been done on the mining claim the need for a certificate of compensation be waived.
102. delete
- 104–104a–105
The Committee recommends that these sections be rewritten in accordance with principles and recommendations 34, 35, 36, 37 and 38 concerning leasing, tenure and lease renewals.
108. The Committee recommends that the section be rewritten so that the reservations and provisions only apply to surface rights leases.
113. delete as recommended by recommendation #50.
114. The Committee recommends this section be rewritten to apply to surface rights leases only.
117. (3) delete from the subsection "in unsurveyed territory."
(5) amend to conform with recommendation #25 which allows credit for survey.
(6) amend in accordance with recommendation #59 eliminating penalty for excess acreage.
(8) delete
(9) delete

PART III

120. Repeal—see recommendation #60.

PART IV

121–124

Rewrite and review in accordance with recommendation #61.

PART VI

126. The Committee recommends section 126 be amended to apply to the parts of Ontario lying north of the fiftieth parallel of latitude.

PART VII

127–133

The Committee recommends that these sections be amended to conform with recommendation #63 concerning quarry permits and that permits be issued from District offices and that residents as shown in subsection 4 of section 127 be defined.

—that subsection 2 of section 128 be amended to include "the intended use of the product".

PART VIII

143–144–144a(1)

The Committee recommends that these sections be removed from Part VIII and placed elsewhere in a part dealing with powers of the Mining Recorder for proper indexing.

143. (8) The reference to the period of time for affixing tags should be deleted.
- 144a. (4) The Committee recommends changing the words "grown up" to "adult".
158. (1) The Committee recommends that costs and values be revised to reflect present day standards. See recommendation #65.
160. (2) Delete Deputy Minister and reference to section 22 as this wording is redundant.
164. (2) same as above.
(3) same as above.
(4) same as above.

PARTS IX AND X

169–627 inclusive

The Committee recommends that Parts IX and X which refer to Operations of Mines and Refinery Provisions respectively be separated from the Act to form a separate Act to be called The Mining Operations Act and the present Act be cited as The Mining Exploration and Development Act.

PART XI

- 628. (1) See recommendation #69 which recommends that fines be brought up to present day standards.
- 628. (1)b delete. See recommendation #67.
- (1)f The Committee recommends that this clause be revised to make reference to mining claims only because of the separation of Part IX into a new Act.
- (1)g delete reference to a placer mining claim and an area for a boring permit.
See recommendations #60 and #61.
- 629. The Committee recommends that this section be removed to The Mining Operations Act.
See recommendation #70.
- 630. The Committee recommends that this section be investigated to ascertain why non-payment of fines or awards are not liable to further fines or penalties and if a court action results in what jurisdiction this is carried out.
- 631. Reference to the Bureau be revised.
See recommendation #71.
- 632. This section be removed to The Mining Operations Act.
- 633. References to Parts IX and X be removed to The Mining Operations Act.

PART XII

635–640 inclusive

These sections be revised and updated to reflect the Committee's recommendations.

PART XIII

- 641. (4) delete Commissioner and substitute Mining Recorder.
- 643. The Committee recommends the addition of the words "or commission" after "purchase" to allow for contracting of work.
- 648. The Committee recommends that fees payable be set out in regulations. See recommendation #73.
- 652. The Committee recommends that this section be revised to clarify Commissioner and Mining Recorders' responsibilities. See Recommendation #74.
- 653. The Committee recommends this section be reviewed to determine the possibility that mining rights under roads and road allowances in Southern Ontario be treated the same as those in Northern Ontario. See recommendation #75.
- 656. (1) The Committee recommends that the section be revised in accordance with recommendation #76 and that leases conform to the Committee's recommendations and principles.
- 658. The Committee recommends that this section be revised to conform with recommendation #42 concerning taxing equally across the province.
- 659. The Committee recommends that this section be revised to change the date of tax payable.
See recommendation #45.
- 660–661
The Committee recommends that these sections be revised in accordance with recommendation #42 and #45.
- 668. The Committee recommends that this section be revised in accordance with recommendations #46 and #48.
- 671. The Committee recommends that the rates of penalty, interest and costs be fixed by regulation.
See recommendation #47.
- 674. delete. This conflicts with principles and recommendations established by the Committee.

SCHEDULE OF FEES

See recommendation #73 in the text.

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